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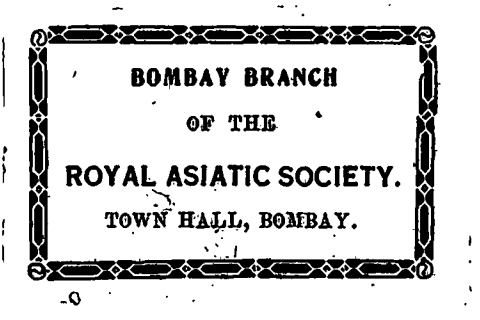

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AN INQUIRY

INTO THE

CREDIBILITY OF THE EARLY ROMAN HISTORY.

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SIR GEORGE CORNEWALL LEWIS.

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IN TWO VOLUMES.

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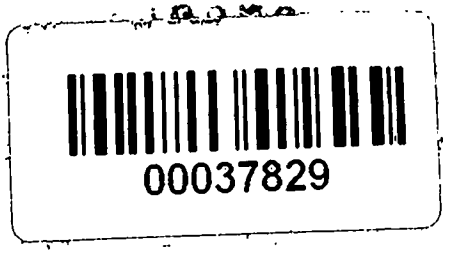

CONTENTS.

CHAPTER XII.

History of Rome, from the Expulsion of the Kings to the Burning of the City by the Gauls.

(509—390 B.C.)

PART I.—FROM THE ESTABLISHMENT OF CONSULS TO THE FIRST SECESSION.

§ 1 Character of the early history of the commonwealth . . . . p. 1
2 509 B.C. Nature of the change from the regal to the consular government 2
3 Intrigues of the Tarquinian party at Rome, and consequent measures of the consuls. Examination of the historical accounts 6
4 Battle with the Veientes and death of Brutus. Measures of Valerius. Dedication of the Capitoline temple of Jupiter 11
5 508 B.C. Institution of quæstors. War with Porsena . . . 13
6 505 B.C. War with the Sabines. Attus Clausus removes to Rome 21
7 503 B.C. Death of Valerius Publicola 22
8 502 B.C. Discordant accounts of military events in Dionysius and Livy 23
9 501 B.C. Creation of the dictatorship, and appointment of a dictator 24
10 497 B.C. Decree respecting mixed marriages of Romans and Latins 28
11 496 B.C. Battle of the Lake Regillus 29
12 Consequences of the battle. Death of Tarquin at Cumæ . . 32
13 Comments upon the historical accounts for the first fourteen years of the Republic 33
14 Chronological arrangement of the events for the same period 51
15 495 B.C. War with the Volscians. Discontent created by the law of debt 56

§ 16 494 B.C. Breach of faith on the part of the Senate, with respect to the law of debt. Secession of the plebs to the Mons Sacer . . . . . p. 62
17 Comments upon the historical accounts of the First Secession 73
18 The plebeians enlist: their grievances respecting the Law of Debt are removed 84

PART II.—FROM THE FIRST SECESSION TO THE TERENTILLIAN ROGATION.

19 492 B.C. Scarcity at Rome, and measures for obtaining corn. Discontents of the people. Expedition under C. Marcius Coriolanus against Antium 90
20 491 B.C. Disputes respecting the distribution of corn. Impeachment of Coriolanus by the tribunes: he is tried by the assembly of tribes, and condemned: he goes into exile 97
21 489 B.C. Story of Atinius 103
22 489-8 B.C. Coriolanus goes to the Volscian general, Attius Tullus: he leads a Volscian army against Rome. Embassy of the matrons: he withdraws his army, and dies . . . 105
23 Comments upon the story of Coriolanus 116
24 487 B.C. Hostilities against the Hernici, Æqui, and Volsci 127
25 486 B.C. An agrarian law is proposed by Sp. Cassius. A measure is carried 129
26 485 B.C. Sp. Cassius is accused of aiming at regal power: he is condemned, and executed: nature of his agrarian law . 132
27 Story of burning nine tribunes 139
28 484-3 B.C. Hostilities against the Veientes, Volscians, and Æquians 140
29 482-80 B.C. Veientine war 141
30 479-7 B.C. The Cremera is occupied by the Fabii: they are surprised and all cut off. Subsequent defeat of the Veientes 144
31 473 B.C. Death of the tribune Genucius 150
32 472-1 B.C. Law of Volero Publilius for transferring the election of tribunes of the people from the curiæ to the tribes . . 151
33 470 B.C. Military executions of Appius Claudius: his impeachment, and death 155
34 468-7 B.C. Alleged assassinations of plebeians by the patricians. Capture of Antium, and division of its territory . 156
35 466-3 B.C. Character of the historical accounts of this period 159

PART III.—FROM THE TERENTILLIAN ROGATION TO THE OVERTHROW OF THE DECEMVIRAL GOVERNMENT.

§ 36 462 B.C. Law proposed by the tribune Terentillus . . . p. 165
37 461 B.C. Trial and banishment of Kæso Quinctius 166
38 460 B.C. Story of the forged letter produced by the tribunes 172
39 Seizure of the capitol by Herdonius 173
40 The army of Minucius is in danger: it is relieved by Cincinnatus. 174
41 457 B.C. The number of tribunes is increased from five to ten. Extent of the power of the comitia tributa 180
42 456 B.C. Law of Icilius for the division of the Aventine hill . 182
43 455 B.C. Tumults between the patricians and plebeians. Some patricians are sentenced to confiscation of goods. Expedition to Tusculum. Atrocious treatment of Siccius Dentatus and his volunteers by the consuls. The consuls are fined . . 184
44 454 B.C. Law of Aternius respecting fines for resisting magistrates 193
45 Three commissioners are appointed to visit Greece, and to collect laws 194
46 452 B.C. The commissioners return from Greece 196
47 451 B.C. First year of the decemvirate. Decemvirs are appointed, with supreme legislative power: they administer the government with moderation: they prepare ten tables of laws, and abdicate at the end of the year . . . . . *ib.*
48 450 B.C. Second year of the decemvirate. A second set of decemvirs is elected: they are led by Appius Claudius; they exercise their power tyrannically: they add two tables of laws: 199
49 449 B.C. Third year of the decemvirate. The decemvirs prolong their office into a second year without re-election. Invasion of the Roman territory by the Sabines and Æquians. Meeting of the Senate. Troops are levied . . 203
50 Murder of Siccius Dentatus by order of the decemvirs . . . 205
51 Attempt of Appius upon Virginia 207
52 The army moves from the camp at Algidus to Rome. Overthrow of the decemvirs 211
53 Valerius and Horatius are elected consuls: their laws . . . 215
54 Examination of the history of the decemvirate 216

PART IV.—FROM THE OVERTHROW OF THE DECEMVIRAL GOVERNMENT TO THE SIEGE OF VEII.

§ 55 448-7 B.C. The differences between the orders continue after the decemviral legislation . . . . . p. 253
56 445-4 B.C. The Canuleian rogation. Intermarriage of patricians and plebeians. Creation of the office of consular tribune 255
57 443 B.C. Creation of the office of censor 265
58 442 B.C. Dispute respecting a portion of the territory of Ardea 267
59 439 B.C. Alleged treason of Sp. Mælius: he is put to death 269
60 437 B.C. A. Cornelius Cossus slays Lars Tolumnius, king of the Veientes, and dedicates his armour as spolia opima . 275
61 434 B.C. Law of Mam. Æmilius respecting the duration of the censorship. Doubts as to the consuls for the year . . 278
62 431 B.C. Postumius executes his son. Notice of Livy respecting the invasion of Sicily by the Carthaginians . . 281
63 427 B.C. War renewed with the Veientes 283
64 421 B.C. The quæstorship is opened to the plebeians . . . 284
65 410-8 B.C. Hostilities against the Æqui and Volsci. Question as to the appointment of a dictator 286
66 407 B.C. The twenty years' truce with Veii expires. The Romans demand reparation . . . . . *ib.*
67 406 B.C. Declaration of war against Veii. Introduction of pay of the soldiers 289
68 Agrarian laws of this period 291
69 Miscellaneous occurrences 296

PART V.—FROM THE SIEGE OF VEII TO THE BURNING OF ROME BY THE GAULS.

70 405 B.C. The siege of Veii is commenced. The Veientes are not assisted by the other Etruscans 297
71 404—399 B.C. Progress of the siege. Election of plebeians as consular tribunes 299
72 398 B.C. Prodigy of the swelling of the Alban lake. Draining of the lake by a tunnel 300
73 396 B.C. Camillus takes Veii by a mine 302
74 A gold crater from the spoils of Veii is sent to the temple of Delphi 304
75 395 B.C. Capture of Falerii. Treachery of the schoolmaster 306

§ 76 393 B.C. Division of the Veientine territory. Proposal to migrate to Veii . . . . . p. 307
77 391 B.C. Accusation and banishment of Camillus 308
78 Review of the accounts of the siege of Veii, and of the banishment of Camillus 309
79 Camillus at Ardea. The Gauls in Northern Italy: they besiege Clusium 321
80 390 B.C. The Gauls march upon Rome. Battle of the Allia . 324
81 Rome is taken and burnt by the Gauls, but the capitol holds out 325
82 Ransom of the capitol. Departure of the Gauls. Interposition of Camillus. The Romans reoccupy and rebuild the city . 332
83 Review of the history of the capture of Rome by the Gauls . 340
84 Physical occurrences of this period 356

CHAPTER XIII.

History of Rome, from the Rebuilding of the City to the Landing of Pyrrhus in Italy.

PART I.—FROM THE REBUILDING OF THE CITY TO THE BEGINNING OF THE SAMNITE WARS.

(391—343 B.C.)

§ 1 General character of the history of the preceding 120 years . 359
2 Character of the history of the following period to the war with Pyrrhus 360
3 391 B.C. War with the Volsci and Æqui. Festival legend of Tutula or Philotis 363
4 384 B.C. Treason and execution of Manlius 365
5 380 B.C. T. Quinctius Cincinnatus defeats the Prænestines . 372
6 377—367 B.C. The rogations of C. Licinius Stolo 373
7 Examination of the history of the Licinian rogations . . . 377
8 First Licinian rogation, respecting the repayment of loans . 382
9 Second Licinian rogation, imposing a limit upon the occupation of land 383
10 Third Licinian rogation, enacting that one consul should be a plebeian 392
11 The Licinian law respecting plebeian consuls is not, at first, strictly observed. Plebeian dictator. Further measures respecting debts 396
12 365 B.C. Death of Camillus 398

§ 13 Examination of the accounts of Gallic incursions during the years 391—281 B.C. . . . . p. 399
14 349 B.C. Appearance of a fleet of Greek pirates off the coast of Latium 408
15 Prodigies and expiatory rites. Leap of M. Curtius into the chasm in the forum 409

PART II.—FROM THE BEGINNING OF THE SAMNITE WARS TO THE LANDING OF PYRRHUS.

(343—281 B.C.)

16 343 B.C. The Romans accept the surrender of the Campanians, and require the Samnites to desist from hostilities against them. The Samnites refuse, and war is declared against them by the Romans. First campaign. Battles of Mount Gaurus, Saticula, and Suessula 411
17 Review of the accounts of the origin of the First Samnite War 413
18 Mutiny of the Roman troops on their return from Campania. Accounts of their march upon Rome 416
19 341-0 B.C. Peace is made with the Samnites. War is declared against the Latins 421
20 The Roman army near Capua. Dreams of the consuls. Execution of T. Manlius by his father 423
21 Battle of Veseris. Devotion of Decius. Examination of the accounts of the reduction of Latium 424
22 339 B.C. Laws of Publilius Philo 433
23 338 B.C. Expedition of Archidamus III. to Tarentum . . 434
24 334—331 B.C. Expedition of Alexander of Epirus to Tarentum: his death near Pandosia, in the territory of the Bruttians 435
25 302 B.C. Expedition of Cleonymus to Southern Italy: his piratical excursion to Patavium 439
26 330-1 B.C. Subjugation of Privernum, and answer of the Privernate envoys 441
27 326 B.C. Rupture of the peace between the Romans and Samnites. Beginning of the Second Samnite War. Siege and capture of Palæpolis 442
28 325 B.C. Q. Fabius Maximus Rullianus, master of the horse, fights the Samnites contrary to the orders of the dictator, L. Papirius Cursor. Severe measures of the latter . . . 443

§ 29 321 B.C. The Roman army are surrounded by the Samnites at the audine pass: they make a treaty, surrender, and are passed under the yoke . . . . . p. 445
30 320 B.C. The Romans repudiate the treaty, and surrender the officers who were parties to it, but the Samnites send them back. The Samnites are afterwards defeated at Caudium and Luceria 447
31 Examination of the accounts of the Caudine disaster . . . 448
319—304 B.C. History of the remainder of the Second Samnite War 459
32 298 B.C. The Third Samnite War begins: its origin . . . 462
33 296-4 B.C. The war is transferred to Etruria. Battle of Sentinum 464
34 293 B.C. The Samnites are defeated by Papirius and Carvilius, and afterwards by Fabius Maximus 470
35 290 B.C. Termination of the Third Samnite War 472
36 Comment on the accounts of the Third Samnite War . . . 473
37 282-1 B.C. War with the Tarentines, and landing of Pyrrhus at Tarentum 475
38 Miscellaneous events of internal history from the beginning of the Samnite wars 478

CHAPTER XIV.

General Results of the Preceding Inquiry. Comparison with the Corresponding Period of Greek History.

1 The results of the preceding inquiry tend to disprove the credibility of the Roman history for the first 473 years of the city 488
2 General principles respecting historical evidence founded on oral tradition 489
3 Reasons for a comparison of the period of Greek history anterior to the age of contemporary historians 494
4 Commencement of contemporary history in Greece. Time and character of the early historians . . . . . *ib.*
5 Period of Greek history from the Ionic revolt to the end of the Persian war 501
6 Account of the expedition of Darius into Scythia 503
7 History of Attica under the Pisistratidæ 508
8 History of Sparta from 560 B.C. to the Persian war 513

§ 9 History of Samos under Polycrates and his successors . . p. 518
10 History of Cumæ in Italy under Aristodemus Malacus . . 521
11 Reigns of Cyrus, Crœsus, and Amasis 524
12 Treatment of the acts of Cyrus in the Cyropædia of Xenophon 525
13 Attic history in the time of Solon. Legislation of Draco. Attempt of Cylon 529
14 History of Corinth under the Cypselidæ, and of Sicyon under the Orthagoridæ 533
15 History of Sparta before 600 B.C. The Messenian wars. Legislation of Lycurgus. Institution of the Ephors. Origin of the helots 539
16 Phidon of Argos. Registers of Spartan kings. Olympic register 545
17 Return of the Heraclidæ. History of Athens before Cylon. Ionic and Æolic migrations. Early colonies 547
18 General character of the Greek history before the age of historians. The poetical literature of Greece precedes its political history 551
19 Importance and interest of Roman history. Reasons in favour of cultivating that portion of it which is subsequent to the age of contemporary historians in preference to the earlier period 553

AN

INQUIRY INTO THE CREDIBILITY OF THE EARLY ROMAN HISTORY.

CHAPTER XII.

HISTORY OF ROME, FROM THE EXPULSION OF THE KINGS TO THE BURNING OF THE CITY BY THE GAULS.

(509—390 B.C.)

PART I.—FROM THE ESTABLISHMENT OF CONSULS TO THE FIRST SECESSION.

(509—494 B.C.)

§ 1 WE now enter upon a period of one hundred and twenty years, which resembles the previous period of two hundred and forty-four years in being prior to all regular contemporary history, but differs from it in approaching more closely to the time when oral traditions were committed to the sure custody of writing. The reminiscences from which this portion of the history was written down were fresher, and more distinct, and had passed through a shorter series of reporters; and hence they probably adhered more closely to the truth, and contained a larger portion of real fact, than the legends out of which the previous history was formed. As the story advances, we cease to float about in entire uncertainty, and we observe some points of fixed and immoveable land rising on the horizon. The mists of night begin to disperse, and we discover some faint traces of real objects.

> Jamque rubescebat stellis Aurora fugatis,
> Quum procul obscuros colles humilemque videmus
> Italiam.

But although, when we descend to the siege of Veii and the burning of the city, we come to events of which the substance is clearly historical, we can perceive but little difference in character between the narrative of the early years of the Republic, and that of the last years of the kings. In external evidence they stand on the same ground; and the internal features of the accounts are similar.

§ 2 The change of government which took place upon the expulsion of the Tarquins is described to us as consisting partly in the restoration of old, and partly in the introduction of new, constitutional forms. The beneficent laws of Tullius respecting contracts are stated to have been re-established; the common sacrifices in the town and country, as they existed under the same king, were renewed; the assembly of citizens, and its power of decision by vote in important matters, together with the other constitutional usages, were restored.(1) One permanent innovation was made; not only was Tarquin dethroned and banished, but his office of king was abolished; and its powers were divided between two high magistrates, denominated consuls, whose office was annual. The large powers previously exercised by the king were therefore controlled by their division between two persons, and their limitation to a yearly period.(2) An arrangement about the division of the fasces is variously represented: one historian says that Brutus alone had the twelve fasces formerly borne before the king: the other that each consul had twelve fasces, but one had only rods, without axes.(3)

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(1) ἐκκλησίαν τε καὶ αὐτοῖς ἀπέδοσαν ὑπὲρ τῶν μεγίστων, καὶ ψῆφον ἐπιφέρειν, καὶ τἄλλα πράττειν ὅσα κατὰ τοὺς προτέρους ἐθισμοὺς ἔπραττον; Dion. Hal. v. 2. It is further stated that the census, according to the laws of Servius, which had been suspended during the entire reign of Tarquin II., was revived in the second year of the consular government, ib. c. 20.

(2) Post ubi regium imperium, quod initio conservandæ libertatis atque augendæ reipublicæ fuerat, in superbiam dominationemque se convertit, immutato more, annua imperia binosque imperatores sibi fecere. Eo modo minime posse putabant per licentiam insolescere animum humanum. Sallust. Cat. 6. See above, vol. i. p. 537, n. 199.

(3) Dion. Hal. v. 2; Livy, ii. 1. Both these regulations concerning the fasces are mentioned by Cicero, but they are attributed by him to Valerius, Rep. ii. 31. Livy says: Brutus prior, concedente collegâ, fasces

Livy remarks that if the change from the regal to the consular government had taken place under any of the kings before the second Tarquin, it would have been premature; but that at the moment when it occurred, it was suited to the circumstances of the Roman community. The change from the regal to the consular government is not represented as extensive, or as affecting the essential characteristics of the constitution. All the chief popular elements of the consular government had already existed under the kings. The principal importance of the change is described as consisting in the substitution of two annual magistrates for the usurped and illegal despotism of Tarquin the Second.

Sallust speaks of the marvellous growth of the city, on the acquisition of liberty, in terms nearly identical with those applied by Herodotus to Athens after the expulsion of the Pisistratidæ.(4) Niebuhr, however, draws a directly opposite inference from the treaty between Rome and Carthage, in the year of the first consuls, which is preserved by Polybius. In this treaty Rome stipulates for the maritime towns of Ardea, Antium, Laurentum, Circeii, and Tarracina, and any other Latin towns which may be subject to Rome.(5) According to the history of the kings, as related to us, the power of Rome did not now extend over all these places. Ardea is described as having been besieged by Tarquin, shortly before his expulsion, but as having made a fifteen years' truce with Rome, and therefore as being at this time independent.(6) It is shortly afterwards included by Dionysius among the Latin towns.(7) Antium is stated to have joined the Latin league in the time of Tarquinius

habuit. Plutarch, Publ. 12, states that Valerius yielded the fasces first to Lucretius as being the senior; which custom remained to his own day. Cicero, ib., has the same statement.

(4) Cap. 7. See above, vol. i. p. 537, n. 198. Compare the account in Herod. vii. 156, of the sudden growth of Syracuse under Gelo.

(5) iii. 22. For the third name, the MSS. appear to have Ἀρεντίνων, for which Ursinus reads Λαυρεντίνων. Niebuhr, vol. i. n. 1183, suggests Ἀρικηνῶν, on account of the order of the names, but Aricia is an inland town, and according to its geographical position it would precede Antium.

(6) Above, vol. i. p. 521. (7) Dion. Hal. v. 61.

Superbus, who established his supremacy over the Latin towns:(8) so that Antium and Laurentum would, according to the common story, have been subject at this time to Rome. The colonization of Circeii is moreover attributed to Tarquin II.:(9) but of Tarracina nothing is said during the regal period. It is first mentioned by Livy about a century later, with the remark that its original name was Anxur.(10) Substantially however the list of towns in the Carthaginian treaty agrees with the received accounts of the extent of the Roman power under Tarquin. During the war with Porsena, and in the subsequent war with the Latins, this power appears as curtailed; and Niebuhr accordingly considers that Rome, having attained to a high pitch of greatness under the kings, underwent a decline shortly after the expulsion of the Tarquins.(11) Such certainly is the result of the accounts handed down to us, assuming them to be historical.(12)

While the indignation of the people against Tarquin is at its height, the consuls cause them to take an oath that they will never appoint, or allow any one else to appoint, a king at Rome(13) A law is said to have been afterwards passed by

(8) iv. 49. Above, vol. i. p. 511.

(9) Livy, i. 56; Dion. Hal. iv. 63. Above, vol. i. p. 515.

(10) Anxur fuit, quæ nunc Tarracinæ; Livy, iv. 59. If Livy's statement is correct, we must suppose that the name Anxur in the original text of the treaty was translated by Polybius into Ταρράκινα.

(11) 'It [the treaty with Carthage] divulged the secret of the early greatness of Rome, and of her fall after the banishment of the Tarquins; a secret which her children in later times were foolishly anxious to keep concealed, as if it had been an indelible blot on the honour of their ancestors;' Hist. vol. i. p. 533. In this passage, Niebuhr assumes the existence of a knowledge of the history of Rome at this period, which is purely imaginary. If the later Romans did not know the truth about the events of 510 B.C., there was no occasion for any study to conceal it. Compare Schwegler, vol. i. p. 790—2.

(12) Livy contrasts the military power of Rome under the kings, and during the war with Porsena: 'C. Mucius, adolescens nobilis, cui indignum videbatur populum Romanum servientem, quum sub regibus esset, nullo bello nec ab hostibus ullis obsessum esse; liberum eundem populum ab iisdem Etruscis obsideri, quorum sæpe exercitus fuderit;' ii. 12. Dionysius also says of the same war: Σαβίνων τινὲς καταγνόντες τῆς πόλεως ἀσθένειαν ἐκ τοῦ Τυρρηνικοῦ πταίσματος, ὡς οὐκέτι τὴν ἀρχαίαν ἀξίωσιν ἀναλῃψομένης; v. 37.

(13) Dion. Hal. v. 1; Livy, ii. 1. Plutarch, Publ. 2, describes Valerius Publicola as taking the oath against the restoration of Tarquin.

Valerius, which made it a capital offence, with forfeiture of goods, to attempt to become king.(14) Every such endeavour continued, throughout the Roman history, to be regarded as a treasonable act: Cassius and Manlius were executed for this high misdemeanor, in the early period of the Republic; an apparent assumption of royalty was made the pretext for the murder of Tiberius Gracchus;(15) and even the Cæsars could not acquire supreme power without deferring to the national dislike of the kingly title and insignia. The name of *rex* aroused in the breast of a Roman the same stimulating associations as that of *τύραννος* in the breast of a Greek.(16) It is however difficult to reconcile this state of feeling with the accredited historical account of the Roman kings, who are described as exercising a limited power, in combination with a senate and a popular assembly, and one of whom was regarded as the author of the liberties of the plebeians. Both Dionysius and Livy agree in representing the general course of the regal government as mild, popular, and beneficent, and in treating the violent despotism of Tarquin II. as an extraordinary and exceptional departure from its prevailing spirit. The probable explanation of this apparent inconsistency is, that the Romans in general had no distinct idea of the constitutional history of their kings; and that they understood the word in the sense which it bore in Greece in the post-Alexandrine age; when a king was universally conceived as possessing an absolute and unlimited power.(17)

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(14) Livy, ii. 8. (15) Plut. Tib. Gracch. 19.

(16) Sallust gives the following account of Catiline: 'Hunc post dominationem Lucii Sullæ libido maxima invaserat reipublicæ capiendæ; neque id quibus modis assequeretur, *dum sibi regnum pararet*, quidquam pensi habebat;' Cat. 5. In this passage *regnum* is exactly equivalent to the Greek *τυραννίς*. Appian in like manner applies the term *βασιλεία* to the dictatorship of Sylla: he says that the Romans having been governed above 240 years by kings, and then 400 years by democracy and annual consuls, returned under him to regal government; Bell. Civ. i. 99. Livy represents Horatius Cocles as addressing the Etruscans, in the war of Porsena, in the following words: 'Servitia regum superborum, suæ libertatis immemores, alienam oppugnatum venire,' ii. 10, where the subjects of king Porsena are considered as equivalent to the slaves of a *δεσπότης* or *dominus*.

(17) See above, vol. i p. 106.

§ 3 The first events in the history of the consular government are connected with attempts to restore the ejected Tarquinian family. Tarquin removes to his paternal city of Tarquinii, and at his persuasion, envoys are sent to Rome to procure his restoration. Being admitted to the Senate, they first propose that Tarquin should be allowed to return, and resume his royal office under certain restrictions. This request is peremptorily refused by Brutus, and the ambassadors then content themselves with demanding the cession of Tarquin's property. The two consuls are divided in opinion: Brutus thinks it dangerous to restore, Collatinus thinks it unjust to withhold, the property. The Senate are unable to settle the question, and refer it to the people. The thirty curiæ vote upon it, and it is decided by a bare majority that the property shall be given up.(18) Having by this decision secured a pretext for delay, the envoys take means for gaining over some of the citizens to the cause of Tarquin; among whom were persons closely connected with the two consuls: namely, the two sons of Brutus, two Vitellii, his brothers-in-law, and two Aquillii, nephews of Collatinus. The conspirators meet in the house of the Aquillii, where their plans are overheard by a slave, named Vindicius, who secretly conveys information of the fact to Valerius. Acting on his own authority, Valerius collects a body of retainers, enters the house, seizes some treasonable letters written by the conspirators themselves, and addressed to Tarquin, and denounces the guilty persons before the consuls. Then follows the celebrated condemnation of the sons of Brutus by their father, and their immediate execution in his presence. When however Brutus proceeds to follow the same course with the Aquillii, their uncle Collatinus, the other consul, interposes his veto to save them. Brutus, upon this, denounces

(18) Dionysius says: *ἀναλαβοῦσαι ψῆφον αἱ φράτραι τριάκοντα οὖσαι τὸν ἀριθμὸν, οὕτω μικρὰν ἐποιήσαντο τὴν ἐπὶ θάτερα ῥοπὴν, ὥστε μιᾷ ψήφῳ πλείους γενέσθαι τῶν κατέχειν τὰ χρήματα βουλευομένων τὰς ἀποδιδόναι κελευούσας*; v. 6. The votes here alluded to must be the votes of the several curiæ, not the votes of the members within each curia. This being the case, the least majority must have been sixteen to fourteen, that is, a majority not of *one* but of *two*; a majority of *one* is only possible where the number of votes is uneven.

his colleague before the assembly of the people, accuses him of sympathy with the Tarquinian cause, and declares his intention of convening the centuries in order to put the deposition and banishment of Collatinus to the vote. Collatinus protests against this severe measure; whereupon Lucretius, his father-in-law, comes forward and suggests a compromise; and Collatinus agrees to retire into voluntary exile at Lavinium, taking with him a gift of twenty talents from the public treasury, and five talents added by Brutus himself.(19) This, we are told, was stated by the Roman historians to have been the first occasion on which a private person, not a magistrate, was allowed to address the assembly of the people.(20) Brutus then convenes the centuries,(21) and P. Valerius is chosen consul in the place of Collatinus.(22) The consuls, being now of one mind, proceed to put the remaining conspirators to death; and to adopt three other measures. 1 They add certain plebeian members to the Senate, and complete its number to three hundred. 2 They confiscate the property, both in land and goods, of Tarquin, and divide it among the people. A reservation is however made of the plain between the city and river, called the field of Mars, which is dedicated to military exercises. Tarquin, notwithstanding the sanctity of this ground, had taken it into cultivation: the people were allowed to plunder it, but as the produce of the land was unholy, the corn and straw were thrown into

(19) Veturia, in her speech to Coriolanus at the Volscian camp, is represented by Dionysius as reminding him of the example of Collatinus, who though banished from Rome by the people, retired to Lavinium, and never bore any malice against his own countrymen; viii. 49.

(20) *καὶ τυχὼν τῆς ἐξουσίας ταύτης πρῶτος, ὡς φασιν οἱ Ῥωμαίων συγγραφεῖς, οὔπω τότε Ῥωμαίοις ὄντος ἐν ἔθει δημηγορεῖν ἰδιώτην ἐν ἐκκλησίᾳ*; Dion. Hal. v. 11. with reference to Lucretius.

(21) Dionysius says: *καλέσας τὸν δῆμον εὐθὺς εἰς τὸ πέδιον, ἔνθα συνηθες ἦν αὐτοῖς τούς τε βασιλεῖς καὶ τὰς ἄλλας ἀρχὰς καθιστάναι*, v. 12. Livy expressly mentions the comitia of centuries: Collegam sibi comitiis centuriatis creavit P. Valerium; ii. 2. Dionysius describes Brutus as threatening to put the banishment of Collatinus to the vote of the centuries; *καλέσας αὐτίκα μάλα τοὺς λόχους*; v. 10. The constitution of Servius had by this time been restored: compare iv. 75.

(22) Dionysius says of Valerius: *φιλοσοφία τις αὐτοδίδακτος ἐγένετο περὶ αὐτόν*; v. 12. This idea seems to have been suggested by his Sabine origin.

the river, where they lodged, and formed the island opposite to Rome known by the name of *Insula Tiberina.* 3 An amnesty was given to all partisans of Tarquin who should return within twenty days: otherwise they were subject to the penalty of perpetual exile and forfeiture of goods.

Such is the account given by Dionysius, of the measures adopted by the Romans against the Tarquinian party upon the first establishment of the consular government. It is accompanied with speeches and minute details, such as might occur in the narrative of a contemporary writer.(23) The accounts of Livy and Plutarch are substantially similar; though they differ in several points. Thus Livy speaks of the decision to restore Tarquin's goods as having been made by the Senate, not by the people; and he represents the slave Vindicius as conveying the information to the consuls, not to Valerius. Moreover, he describes the expulsion of Collatinus as prior to the embassy from Tarquin, and as wholly unconnected with it: the exclusive reason assigned being his connexion with the Tarquinian family.(24) Plutarch speaks of two distinct sets of ambassadors as making the two demands on the part of Tarquin. He like-

(23) Dion. Hal. v. 1—13. In c. 4, the envoys from Tarquin are represented as addressing the Roman Senate in the following terms: *ἀνθρώπους δ' ὄντας μηδὲν ὑπὲρ τὴν ἀνθρωπίνην φύσιν φρονεῖν, μηδ' ἀθανάτους ἔχειν τὰς ὀργὰς ἐν θνητοῖς σώμασι.* This latter antithesis is borrowed from some verses of Euripides, fragm. 790, ed. Wagner; afterwards condensed into the proverbial verse: *ἀθάνατον ὀργὴν μὴ φύλασσε θνητὸς ὤν*; id. Trag. Incert. fragm. 14. Compare Porson ad Eurip. Med. 139. The same sentiment recurs in the speech of Veturia to Coriolanus: *εἰ μὴ σὺ, ὦ Μάρκιε, ἀξιοῖς τὰς μὲν τῶν θεῶν ὀργὰς θνητὰς εἶναι, τὰς δὲ τῶν ἀνθρώπων ἀθανάτους*; viii. 50.

(24) ii. 2—5. The early historian Piso likewise represented Brutus as fearing Collatinus simply on account of his name. The following words are cited by Gellius, xv. 29, from the second book of his *Annales*: 'L. Tarquinium, collegam suum, quia Tarquinium nomen esset, metuere; eumque orat uti suâ voluntate Romam contendat' (Krause, p. 150); where for 'Romam contendat' the sense seems to require 'Romam relinquat,' or some equivalent expression. The same reason is assigned by Cicero, Off. iii. 10, and Brut. c. 14. Compare Eutrop. i. 9. Sed Tarquinio Collatino statim sublata dignitas est. Placuerat enim, ne quisquam in urbe maneret, qui Tarquinius vocaretur. Ergo accepto omni patrimonio suo, ex urbe migravit. Also Florus, i. 8; Tantumque libertatis novæ gaudium incesserat, ut vix mutati status fidem caperent, alterumque ex consulibus, *tantum ob nomen et genus regium*, fascibus abrogatis, urbe dimitterent. Zonaras, ii. 12, agrees with Dionysius as to the cause of the deposition of Collatinus.

wise mentions a certain Caius Minucius, who gave his opinion against the restoration of Tarquin's property, as having been the first private citizen who spoke before the Roman people; thus differing from Dionysius, who says that it was Lucretius.(25)

The completion of the Senate is likewise related by several authors, but by all differently from Dionysius. His account is that Brutus and Valerius gave to certain selected plebeians the rank of patricians, and added them to the Senate, until it reached the full number of three hundred members.(26) Livy says that the number was made up to three hundred: but he describes the added members as being of the equestrian order, not plebeians; and he places the event under Brutus and Collatinus, before the arrival of the envoys from Tarquinii.(27) Plutarch places it after the battle in which Brutus falls.(28) There is likewise a statement that the number of members thus added was exactly one hundred and sixty-four.(29) Livy uses this transaction for explaining the phrase *Patres conscripti*; which he supposes to be equivalent to *Patres et conscripti*, the *Patres* being the original senators, and the *conscripti* those who were subsequently added. A similar explanation of the same phrase is given by other authorities; the addition being by one referred to king Servius.(30) Dionysius on the other hand traces the origin of the expression *Patres conscripti* to the time of Romulus.(31) The whole of this is a mere conjectural ætiology of the ancient appellation of the senators. Tacitus finds in the same event an explanation of another constitutional

(25) Public. 2—8. Plutarch speaks of the conspirators in the house of the Aquillii confirming their oath by a libation of human blood, and by laying their hands on the entrails of a slaughtered man. A similar account is given by Sallust of the oath of the Catilinarian conspirators; Catil. 22.

(26) v. 13. (27) ii. 1. (28) Public. 11.

(29) Festus, p. 254, who says that they were plebeians. Plut. Public. 11. Niebuhr conjectures that the number 164 was derived from Valerius Antias. 'These arbitrary numbers were a trick by which he tried to give his fictions a delusive resemblance to genuine accounts;' Hist. vol. i. p. 526.

(30) Festus, ib. Plut. Rom. 13; Quæst. Rom. 58; Servius, ad Æn. i. 426.

(31) ii. 12.

phrase: he considers the original senators of Romulus as the *majores gentes;* those added by Brutus as the *minores gentes.*(32) All these guesses stand on the same ground, and aim at the same object. The reasons are equally uncertain, but the subject of explanation is an ascertained fact.

From the name of the slave Vindicius is traced the ancient mode of manumission *per vindictam:* for his important service, he received a pecuniary reward from the public treasury, his freedom, and also the rights of citizenship. Hence, says Livy, those who were liberated *per vindictam* obtained the full franchise.(33) It is plain that this story of the slave Vindicius is an institutional legend, intended to serve as a support to the ancient mode of manumission in question.

The story of the corn thrown into the Tiber, again, is evidently a topographical legend, invented in order to explain the origin of the Insula Tiberina. Dionysius differs from Livy and Plutarch as to the time of the consecration which made the corn unholy: the former supposes the ground to have been already sacred when it was tilled by Tarquin; the latter conceive the consecration as subsequent to the confiscation, and as affecting the standing corn.(34) Another account described this event as having happened at a later period, when either the Campus Martius itself, or an adjoining piece of land, was given to the people by a Vestal virgin named Tarquinia, or Tarracia.(35)

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(32) Ann. xi. 25. Compare Becker, ii. 2, p. 388-9.

(33) Livy, ii. 5; Plut. Public. 7. Compare Mr. Long's art. *Manumissio* in Dr. Smith's Dict. of Gr. and Rom. Antiquities.

(34) Dion. Hal. v. 13; Livy, ii. 5; Plut. Public. 8. Florus, i. 9, likewise supposes the consecration to Mars to take place after its confiscation. For a description of the Campus Martius in the Augustan age, see Strabo, v. 3, § 8.

(35) Plut. ib. Plin. N. H. xxxiv. 11; Gell. vi. 7. Plutarch concludes his account of the origin of the *Insula Tiberina* with the words: *καὶ ταῦτα μὲν οὕτω γενέσθαι μυθολογοῦσι.* The statement as to the evidence of the Vestal being made admissible by special legislation, which occurs both in Plutarch and Gellius, shows that the same person is in question in both writers; and as no corruptions are so frequent in the manuscripts of ancient authors, as the corruptions of proper names, it seems not improbable that *Ταρρακίαν* ought to be read in Plutarch for *Ταρκυνίαν.* Compare Becker,

§ 4 As soon as the failure of the attempt to procure the restoration of Tarquin is known, the Tarquinians and Veientes combine their forces, and make a joint expedition against Rome. The Romans go out to meet them, and cross the Tiber. An equestrian single combat, in front of the armies, takes place between Brutus and Aruns Tarquin, in which both fall, transfixed by each other's spears.(36) The infantry are afterwards engaged, and the armies separate without any decisive result; a divine voice (supposed to be that of Silvanus or Faunus) is however heard at night from the neighbouring wood, declaring that the Romans are the victors, for that the number of their dead is less than that of the Etruscans by one. When the dead bodies are counted, it is found that the exact numbers are 11,300 Etruscans, and 11,299 Romans.(37) The body of Brutus is carried back to Rome, with civic honours; and on the following day a funeral oration is delivered over it by his colleague. The matrons honoured his memory by a year's mourning, as for a parent.(38)

After the death of Brutus, Valerius, like Collatinus, incurs the suspicions of the people, by remaining sole consul, without proposing the election of a colleague, and also by building a house in a lofty and precipitous position, called Velia, com-

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vol. i. p. 621, 651. Dr. Schmitz, Hist. of Rome, p. 99, says: 'It scarcely requires to be observed that this story about the origin of the island in the Tiber is a mere fiction.'

(36) 'Decorum erat (says Livy) tum ipsis capessere pugnam ducibus;' ii. 6.

(37) Dion. Hal. v. 14—17; Livy, ii. 6; Plut. Publ. 9; Zon. vii. 12. The place of the battle is called by Dionysius, λειμὼν Οὐίνιος, near the sacred grove of a hero Horatus. Plutarch has Αἰσούειος λειμὼν, and Οὖρσον ἄλσος. Livy has *Silva Arsia*. Obscure proper names are perpetually corrupted in the manuscripts of the ancient writers. With respect to the voice issuing from the wood, see above, vol. i. p. 208, n. 88. A warning voice was heard at night before the Gallic invasion, according to Livy, v. 50. The day of this battle was fixed to the last day of February; Plut. ib. Val. Max. i. 8, § 5, says that the Etruscans were seized in this battle with a panic fear, caused by the supernatural announcement of Silvanus that one more would be killed on the Etruscan than on the Roman side, and that the Romans would be victorious. He speaks of *Silva Arsia*, like Livy.

(38) See Dion. Hal. v. 17-8; Plut. Publ. 9; above, vol. i. p. 185.

manding the Forum. In order to remove these imputations, he proposed the election of Sp. Lucretius, who died after having been consul only a few days; and after his death, of M. Horatius. He likewise changed the site of his house, and transferred it to a position at the bottom of the hill, called Vicapota.(39) Furthermore, he made two changes with respect to the chief badge of the consular power: he lowered his fasces to an assembly of the people, as showing that he derived from them his authority; and he introduced the custom for the consul to take the axes out of the fasces in the city.(40) Valerius likewise proposed at this time two popular laws, which were passed by the people, and which procured him the appellation of Publicola. These were—1 That all magistrates should be appointed by the people, and that it should be lawful to kill a person who usurped supreme power without such an election—a law directed against attempts at an assumption of regal power. 2 That if any magistrate sentenced a citizen to death, corporal infliction, or a fine, there should be an appeal to the people.(41)

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(39) Cic. Rep. ii. 31, says that Velia had been the place of the house of Servius Tullius. Livy places the house of Tullus Hostilius on Velia; i. 30. Compare Becker, vol. i. p. 249.

(40) Dion. Hal. v. 19, says of the practice of taking out the axes in the city, *καὶ κατεστήσατο τοῖς μετ' αὐτὸν ὑπάτοις ἔθος, ὃ καὶ μέχρι τῆς ἐμῆς διέμεινεν ἡλικίας.* Compare c. 75, x. 59. Plutarch, Publ. 10, says of both customs, *καὶ τοῦτο μέχρι νῦν διαφυλάττουσιν οἱ ἄρχοντες.* Compare Livy, ii. 7. Cicero, Rep. ii. 31, represents Valerius as taking the axes out of the fasces, and as establishing the custom that the consuls should each have the twelve fasces in alternate months; in order that there might not be more emblems of supreme power under the free consular government than under the kings. This rule, according to Livy, ii. 1, had been made under Brutus and Collatinus: see above, p. 2. Zonaras, vii. 13, says that Valerius took the axes out of the fasces, and submitted the fasces to the people. The account of Valerius Maximus, iv. 1, 1, is that Valerius took out the axes, lowered the fasces to the people, halved their number, and gave the priority of them to his senior colleague, Lucretius. The lex Julia transferred the priority of the fasces from the senior consul, to the consul who had most children: Gell. ii. 15. Dionysius describes Coriolanus, as preceded by the fasces with the axes, when commander of the Volscian army; viii. 44.

(41) Dion. Hal. v. 19, 70; Plut. Publ. ii. 12; Livy, ii. 8. Cicero, Rep. ii. 31, who attributes to Valerius only the law concerning the appeal, says that it was the first law passed in comitia centuriata. The same statement is made by Val. Max. iv. 1, 1. Dionysius specifies two Valerian laws: one making it a capital offence to act as a magistrate without

The dedication of the temple of Jupiter on the Capitol is generally referred to this year. Its construction by the Tarquins has been already mentioned.(42) The consul Horatius is said to have dedicated it, and the ceremony is supposed to have been interrupted by a message of his son's death. The story, which forms a part of the foundation legend of this temple, is given with minute details.(43)

§ 5 In the following year, Valerius and Lucretius, the consuls, are stated to have instituted a census according to the Servian law: two quæstors were now, according to some authorities, for the first time appointed, and the temple of Saturn was declared the treasury, as it remained in later times.(44) Other writers however speak of the quæstors as having existed under the kings.(45) The accounts respecting the origin of this office

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receiving the authority from the people—the other granting an appeal from the sentence of a magistrate. Livy likewise specifies two: one making it treason to attempt to obtain the office of king—the other relating to the appeal. The first law of Dionysius appears to be substantially identical with the first law of Livy. Plutarch however distinguishes them; so that he makes three Valerian laws. He likewise adds a fourth, repealing the property taxes payable by the citizens. This latter measure is subsequently mentioned by Livy, but is attributed by him to the Senate, not to Valerius: ii. 9. The Valerian law making it a capital offence to act as a magistrate without election by the people, was repealed *pro tanto* when the office of dictator was created. The dictator was named by one of the consuls, when the necessity for the nomination had been decreed by the Senate. L. Junius Brutus the tribune, in a speech in Dion. Hal. vii. 41, states that the Valerian law *de provocatione* preserved the internal concord of the city, and induced the people to take arms for repelling the Tarquins.

(42) Above, vol. i. p. 474, 512.

(43) Livy, ii. 8; vii. 3; Plut. Publ. 14; Plin. H. N. xxxiii. 6; Polyb. iii. 22: but Dionysius, v. 35, and Tacit. Hist. iii. 72, place it in the 3rd year of the Republic, in the second consulship of Horatius. Compare Dio Cass. xiii. 2; Serv. Æn. xi. 2.

(44) Dion. Hal. v. 20; Plut. Publ. 12; Zonaras, vii. 13. According to Plutarch, the quæstors were named P. Veturius and Minucius Marcus. Livy, iv. 4, and Pomponius de Orig. Jur. § 22, likewise represent the office of quæstor as having been created under the Republic. The former mentions quæstors with judicial functions, ii. 41, and the increase of their number, from two to four; iv. 43. Livy and Dionysius place the dedication of the temple of Saturn in a later year: Livy, iii. 21; Dion. Hal. vi. 1. See Becker, vol. i. p. 313. Concerning the use of the temple of Saturn as a treasury, see Plut. Quæst. Rom. 42.

(45) Tacit. Ann. xi. 22. Sed quæstores regibus etiam tum imperantibus constituti sunt; quod lex curiata ostendit, ab L. Bruto repetita.

are conflicting and confused; and the opinions of modern writers on the subject various and inconsistent.(46)

Under this, or the next year, is placed the commencement of the war of Porsena against the Romans. After his recent defeat, Tarquin had taken refuge with Porsena, king of the town of Clusium. This powerful Etruscan prince promised succour to Tarquin, and led an army against Rome, which was strengthened by Octavius Mamilius, son-in-law of Tarquin, at the head of some revolted Latin states. An engagement took place near the Janiculum,(47) in which the Romans were worsted. On their retreat over the wooden bridge, the Pons Sublicius, the celebrated exploit of Horatius Cocles was performed, who, supported by Sp. Larcius and T. Herminius, repelled the Etruscans until the Romans had crossed, and afterwards cut off the bridge,(48) whereupon he swam safely across the river. In memory of this action, which conferred upon him immortal renown,(49) the people set up a brazen armed statue of him in the Forum, which was still extant in the time of Pliny, and gave him as much public land as he could plough round with a pair of oxen in one day. The inhabitants of the city, being more than 300,000 in number, likewise presented him each with one day's food, at the time of the greatest want of provisions.(50)

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(46) See Becker, ii. 2, p. 328. The passage of Ulpian de Off. quæst. ap. Dig. i. 13, appears to refer to the judicial office of quæstor under the kings. See Becker, ib. p. 329. A conjecture respecting the origin and meaning of the expression *quæstores classici*, used in Lydus de Mag. i. 27, may be seen in Niebuhr, Hist. vol. i. p. 430.

(47) The occupation of the Janiculum by Porsena is alluded to in the speech of Appius; Livy, vi. 40.

(48) Virgil represents Cocles as himself breaking off the bridge: 'Pontem auderet quod vellere Cocles;' Æn. viii. 650.

(49) *τοῦτο τὸ ἔργον ἀθάνατον αὐτῷ δόξαν εἰργάσατο*, says Dion. Hal. v. 25. Livy remarks: 'incolumis ad suos tranavit, rem ausus plus famæ habituram ad posteros quam fidei;' ii. 10.

(50) Concerning the rewards of Cocles, see Dion. Hal. v. 25; Livy, ii. 10. Plut. Publ. 16; Script. de Vir. Ill. 11. Gellius, iv. 5, states that the statue of Cocles in the Comitium was once struck by lightning; that the Etruscan diviners, who were consulted on the subject, being actuated by a hostile spirit, recommended a mode of expiation which would have aggravated the anger of the gods, instead of appeasing it; and that, being detected in this design, they were sentenced by the people and executed. The mode of

Polybius, writing at an earlier time than the historians whose works have come down to us, likewise relates this story, but he describes Horatius Cocles as having thrown himself into the river, and been drowned, after he had maintained the bridge until it was cut off.(51) If, therefore, Polybius followed the version current in his own time, the story of the grant of land, and of the gift of one day's food, had not as yet been invented.

Rome then underwent a close siege, and the inhabitants were severely tried; but the consuls and Senate had secured the allegiance of the people by taking measures, on the first alarm of war, for affording them relief. Corn was purchased abroad,(52) salt in the hands of private dealers was seized, and sold to the public at cheap rates, the poor were exempted from custom duties and property tax.(53) The Romans had likewise derived

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expiation which they had recommended was that the statue should be removed to a lower position, which was so surrounded by buildings that the sun never shone upon it. Instead of this, it was placed in the court of the temple of Vulcan on an eminence. Hence arose the common verse:

'Malum consilium consultori pessimum est.'

The preceding narrative is cited from the Annales Maximi, and, as has been already observed, has all the appearance of a recent antiquarian fiction. Above, vol. i. p. 166. Plutarch, ib. says that the statue was originally set up in the temple of Vulcan, in consequence of Cocles having been lamed by his wounds. This story assigns a totally different reason for the choice of the temple of Vulcan from that given in the Annales Maximi. The Scriptor de Vir. Ill. 11, speaks of the statue of Cocles being placed in the Vulcanal. Pliny mentions the statue as extant in his time: 'Alia causa, alia auctoritas M. Horatii Coclitis statuæ, *quæ durat hodieque*, cum hostes a ponte Sublicio solus arcuisset;' N. H. xxxv. 11. A saying of Cocles is recorded by Serv. Æn. viii. 646, that being reproached in the Comitia with his lameness, he replied: 'Per singulos gradus admoneor triumphi mei.' Compare Myth. Lat. i. 74, ed. Bode. The lameness of Cocles and his reward of as much land as he could plough round in a day, are mentioned by Plut. An seni sit ger. Resp. c. 27. His lameness is likewise alluded to in Dio Cass. xlv. 32, cf. c. 31. With respect to the mode of measuring land adopted for the reward of Cocles, see Grimm, Deutsche Rechtsalterthümer, p. 90, 91; Pliny, N. H. xviii. 3.

(51) vi. 55.

(52) Livy, ii. 9, mentions the Volscian country and Cumæ as the places from which corn was obtained Dionysius, v. 26, names Cumæ and the Pomentine plain; which two statements agree. Dionysius, ib. says that the Romans applied to the Latins for assistance, but met with a refusal. Livy says nothing of this.

(53) Dionysius speaking of the measures of the consuls respecting the poor, says: καὶ γὰρ ἀτελεῖς αὐτοὺς ἁπάντων ἐψηφίσαντο εἶναι τῶν κοινῶν τελῶν, ὅσα βασιλευομένης τῆς πόλεως ἐτέλουν, καὶ ἀνεισφόρους τῶν εἰς τὰ

encouragement from a favourable omen which occurred at this moment. A short time before his expulsion, Tarquin had employed some potters at Veii to make a chariot of clay, to be placed on the summit of the Capitoline temple of Jupiter. When this fabric was baked, instead of shrinking, as is ordinarily the case with works of clay, it swelled so as to be with difficulty withdrawn from the oven. This preternatural increase of size portended an increase of power to those who became possessed of the chariot.(54) The Veientes, accordingly, refused to give it up to the Romans; saying that it belonged to Tarquin, not to those who had expelled him. But a few days afterwards, the victor in a chariot-race at Veii, being carried away by his horses, was unable to stop them until they overthrew him at the Ratumene gate of the Capitol.(55) The Veientes now saw that it was the

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στρατιωτικὰ καὶ τοὺς πολέμους ἀναλισκομένων ἐποίησαν; v. 22. Dionysius here speaks of the taxes of the poor as if they had been uniform under the kings: whereas, according to his own representation, a new and equitable system of taxation was introduced by Servius, which was replaced by an unjust and oppressive poll-tax of ten drachmas, by Tarquin II.; see, iv. 43. Livy makes a similar antithesis between the regal and consular periods: 'Itaque hæc indulgentia patrum, asperis postmodum rebus in obsidione ac fame, adeo concordem civitatem tenuit, ut regium nomen non summi magis quam infimi horrerent;' ii. 9. This account implies that in the second year of the Republic, it was found expedient to resort to extraordinary measures of financial relief, in order to attach the poorer class of citizens to the new state of things. This, again, does not agree with Livy's account of the detestation with which the reign of Tarquin had been regarded. 'Quæ libertas ut lætior esset, proximi regis superbia fecerat;' ii. 1. The present measure of relief appears to have been converted by other writers into one of the Valerian laws, and to have been related without any reference to the war with Porsena: see Plut. Publ. 11, where the effect of the exemption of the poor from property tax is stated to be that it made them more industrious—not that it made them better affected to the consular government, and more hostile to Tarquin. See above, p. 12, n. 41.

(54) Among a long list of prodigies in Livy, xxi. 62, it is mentioned that at Cære, 'sortes exfenuatæ,' and again in xxii. 1, at Falerii, 'sortes suâ sponte attenuatæ.' These two prodigies, both at Etruscan towns, were the converse of the prodigy of the clay chariot; they were unlucky, as they consisted in the shrinking of the sacred lots. See above, vol. i. p. 162, n. 101.

(55) Veii is distant from Rome from ten to twelve miles. See Gell's Topography of Rome, ed. Bunbury, p. 440. It is moreover on the opposite side of the Tiber, which was then only crossed by one wooden bridge. The story of the charioteer being run away with to the Capitol must therefore be fabulous. It should be observed that the Ratumene gate of the Capitol was the gate most distant from Veii. Nardini, Analisi della carta de' dintorni di Roma (ed. 2), vol. iii. p. 428.

will of Jupiter that the fictile chariot should go to Rome, and they delivered their work, with its accompanying good prognostic, to the enemies of Tarquin.(56)

Next follows the exploit of Mucius, who went as a volunteer, with the approbation of the Senate, to attempt the assassination of Porsena, and slew the king's secretary by mistake for the king himself. As the story is told by Livy, Mucius, upon being brought before the royal tribunal, announced that he was only one of 300 noble Roman youths, who had sworn to take away the king's life, and that the lot had fallen on him first, but that the others would follow. On being threatened with torture or death by fire, he thrust his right hand into a burning altar, and held it in the flames without shrinking; from which circumstance he acquired the name of Scævola, the 'lefthanded.'(57) Porsena was so terrified at the hardihood of the Roman, and the prospect of his own danger, that he dismissed Mucius, and sent ambassadors to treat with Rome.(58) The account of this transaction given by Plutarch is similar; he states, however, that Porsena was induced to treat, rather by his admiration of the courage of the Romans, than by his fear of the 300 conspirators.(59) The

(56) Plut. Publ. 13. The augury of the clay chariot swelling in the furnace is alluded to by Pliny, N. H. xxviii. 4. The clay chariot on the top of the Capitoline temple is also mentioned by him, xxxv. 45. The same story is told by Festus, in Ratumenna porta, p. 274, but with this variation, that when the Veientine charioteer is overturned near the Capitol, the fictile chariot is supposed to be already on the top of the temple of Jupiter, having been previously recovered in war. A different story is given by Solinus. Excusso auriga, quem Rutumannam nominabant, relicto certamine ad Capitolium quadriga prosiluit, nec ante substitit, quamlibet obviis occursibus impedita, quam Tarpeium Jovem terna dextratione lustraret; c. 45.

(57) Athenodorus, in his work addressed to Octavia the sister of Augustus Cæsar, gave to Mucius the name of Opsigonus; Plut. Publ. 17. Concerning this Athenodorus, see Smith's Dict. in v. He is called Caius Mucius Cordus by Dion. Hal. v. 25, Zonaras, vii. 12, and Script. de Vir. Ill. 12.

(58) Livy, ii. 12, 13. Compare Script. de Vir. Ill. ib. The assassination of an enemy in the manner attempted by Mucius is justified by Grotius de J. B. et P. iii. 4, § 18, and by Puffendorf, viii. 6, § 16.

(59) Publ. 17. Zonaras, vii. 12, gives the same story, and attributes the negotiation of Porsena to fear. It is likewise told in Polyæn. viii. 8, where the same motive is assigned. The exploit of Mucius is mentioned by Cic. pro Sext. 21.

version adopted by Dionysius is different. He omits altogether the characteristic incident of the hand thrust into the fire—doubtless as being improbable; and although, like Livy, he describes Porsena as negotiating from fear, yet he throws in the additional motive of the loss of a plundering party, cut off by a Roman ambush, which Livy does not connect with this event.(60) He likewise says that the authorities differ on the point, whether Mucius was immediately sent back by Porsena, or was detained as a hostage in the Etruscan camp.(61)

The ambassadors sent by Porsena to Rome offer peace on three conditions:—1 The restitution of the property of Tarquin. 2 The cession to the Veientes of the territory north of the Tiber, called Septem pagi, which had been taken from them by the Romans.(62) 3 The delivery of hostages from the principal families.(63) The Romans reject the first, but comply with the last two of these conditions; and the hostages are accordingly given up.(64) Dionysius says that the Romans accompanied the rejection

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(60) v. 27—31. The number *three hundred* is mentioned by Dionysius, as well as by Livy, Plutarch, Zonaras, the writer de Vir. Ill. and Polyænus. This threat of Mucius is conceived as a stratagem: *καινότατον ἐνθυμηθεὶς ὁ Μούκιος ἀπάτης τρόπον*, says Dionysius; c. 29. *ἕτερον τρόπον ἐσοφίσατο τὸν ἐχθρόν*, Zonaras: terrorem geminat dolo, Florus. Livy describes the Roman ambush, on the southern side of the Tiber; but does not connect it with the exploit of Mucius, ii. 11. Plutarch converts it into a battle with a separate army, in which Valerius kills 5000 Etruscans; Publ. 17.

(61) v. 31. Dionysius prefers the latter account: *καὶ τάχ' ἂν εἴη τοῦτ' ἀληθέστερον*. Plutarch likewise says that there are various versions of the adventure of Mucius: *τὸ δὲ περὶ Μούκιον εἴρηται μὲν ὑπὸ πολλῶν καὶ διαφόρως· λεκτέον δὲ ᾗ μάλιστα πιστεύεται καὶ ἡμῖν*; Public. 17. The deed of Mucius was considered as the chief cause of the salvation of Rome from Porsena: *αἰτιωτάτῳ δόξαντι γεγονέναι τῆς καταλύσεως τοῦ πολέμου*; Dion. c. 35. Paulus Diaconus likewise says, in his abridgment of Festus: 'Mucia prata trans Tiberim, dicta a Mucio, cui a populo data fuerant pro eo, quod Porsenam, Etruscorum regem, suâ constantiâ ab urbe dimovit;' p. 144.

(62) This territory is stated to have been ceded by the Veientes to Romulus; Dion. Hal. ii. 52.

(63) Dion. Hal. v. 31; Livy, ii. 13; Plut. Publ. 18.

(64) Plutarch says that the hostages were twenty in number, ten youths and ten virgins, all patricians. Livy afterwards represents Pontius the Samnite as reproaching the Romans with their breach of faith respecting these hostages: 'Obsides Porsenæ dedistis: furto eos subduxistis;' ix. 11.

of the first condition with an offer that Porsena should arbitrate between them and Tarquin. While this arbitration is pending, Clœlia and the other virgins, who were among the Roman hostages, escape from their guards, swim across the Tiber, and fly to Rome. Valerius, considering this act a violation of the treaty, brings them back to Porsena; but the Tarquins lie in ambush for them on their way, and try to seize them as security for their property. This attempt however fails; and Porsena, indignant at the treachery of the Tarquins, breaks off his connexion with them, restores all the hostages to the Romans, declaring that the faith of Rome is better than all such guarantees, and presents Clœlia with a richly-caparisoned war-horse. He likewise liberates all the Roman prisoners without ransom, and (contrary to the Etruscan usage) he leaves all the constructions in his camp uninjured, to become the public property of the Romans.

The Roman Senate, in token of their goodwill, send Porsena an ivory throne, a sceptre, a golden crown, and a triumphal dress, such as was worn by the kings. To Mucius they make a grant of land on the same terms as to Cocles, which in the time of Dionysius still bore the name of *Mucia prata*.(65) A statue in honour of Clœlia was erected near the Via Sacra, by the parents of the other virgins.(66)

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(65) The Mucia prata are also mentioned by Livy, Script. de Vir. Ill. 12, and Festus, p. 144. Compare Becker, vol. i. p. 656.

(66) v. 32-5. Plutarch's account is similar; Publ. 18-9; Polyæn. viii. 31, like Dionysius, represents all the hostages as being voluntarily restored. The statue of Clœlia on the Via Sacra was equestrian; Livy, ii. 13; Plut. ib. 19; Plin. N. H. xxxiv. 13; Script. de Vir. Ill. 13; and it was to explain her equestrian statue that the story mentioned by Plutarch, and adopted by Florus, i. 10, and the writer de Vir. Ill. was invented of her having swum across the Tiber on horseback. The gift of the horse in Dionysius, Polyæn. viii. 31, and Dio Cass. xiv. has the same object. The statement in Dionysius, as to the donors of the statue, is doubtless borrowed from Piso, whose testimony is cited by Pliny: 'Clœliæ Piso tradit ab his positam, qui una obsides fuerant, redditis a Porsennâ in honorem ejus;' ib. According to Plutarch, some said that the equestrian statue in question represented Valeria, not Clœlia. Again, Annius Fecialis reported that the equestrian statue near the temple of Jupiter Stator was of Valeria, the daughter of Publicola, and that she alone escaped, and swam across the Tiber, when the other hostages, who were sent to Porsena, were treacherously slain by Tarquin; Plin. ib. There seems to have been a confusion in antiquity as to the identity of the statue of Clœlia;

Livy knows nothing of the arbitration of Porsena, and represents Clœlia alone as restored; she is permitted to select a portion of the hostages for liberation, and her choice falls on the boys, as most liable to maltreatment from the Etruscans. The rest of the male hostages remain, according to him, with Porsena, and are not restored till the following year.(67) Another obscure story speaks of all the hostages except Valeria, the consul's daughter, having been treacherously put to death by Tarquin.(68)

The generosity of Porsena in leaving the buildings in his camp to become the property of the Romans, is intended by Dionysius to serve as an explanation of a singular custom which still prevailed at Roman auctions in his time, of making a fictitious sale of the goods of Porsena. This custom is expressly mentioned by Livy, who accounts for it in the same manner; but from his expressions, it is evident that the explanation was conjectural, and that nothing certain was known on the subject.(69)

When Porsena has withdrawn his army from Rome, his son Aruns, with a portion of the forces, crosses the Tiber, and besieges Aricia, intending to establish a separate kingdom for himself. The Aricines are defended by succours from Antium, Tusculum, and Cumæ; and the Cuman troops, under Aristodemus Malacus, defeat the Tuscans, and kill Aruns. The fugitives escape to the Roman territory, where they are hospitably received, so that

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Dionysius, v. 85, says that it no longer existed in his time; but Plutarch, Serv. ad Æn. viii. 646, and Myth. Lat. i. 74, ed. Bode, speak of it as still extant. See Becker, vol. i. p. 112. Servius, ib., states that Porsena, admiring the courage of Clœlia, wrote to the Senate to suggest that some manly honour should be assigned her—in consequence of which they erected an equestrian statue of her.

(67) ii. 13, 15. The account of Servius, Æn. viii. 646, is similar; only Clœlia escapes alone, and when she is restored, she asks Porsena for the liberation of the other virgins. This is a variation of Livy's version. The writer de Vir. Ill. 13, mentions both the boys and the virgins, and combines both variations.

(68) Plin. ubi sup.

(69) Livy, ii. 14. Plutarch gives the same account of the origin of this custom; he limits it to the sale of *public* property: and says that Porsena left much corn and money behind him for the Romans; in gratitude for which, they recorded his name at all sales by auction. He states that it continued in his time; Publ. 19.

many of them remain there as permanent inhabitants, and form a colony in a street of Rome, which thence obtains the appellation of *Vicus Tuscus*. In return for this benefit, Porsena restored to the Romans the district of *Septem pagi*, which they had recently ceded. Tarquin found an asylum with his son-in-law, Mamilius Octavius, at Tusculum;(70) and the interference of Porsena with Roman affairs, on behalf of the Tarquinian family, is at an end.

§ 6 The next event after the departure of Porsena is a Sabine war, which is minutely described by Dionysius, but which Livy despatches in a few lines. The Sabines are encouraged by the weakness of the Romans to attack them;(71) but in the second year, a distinguished Sabine citizen, named Attus Clausus, removes to Rome on account of civil discord, with a large body of followers. His accession was of so much importance to the Romans, that they made him a patrician, gave the rights of citizenship to his companions, and assigned them a district beyond the Anio, which became the Claudian tribe. He himself assumed the Roman names of Appius Claudius, and was the progenitor of the celebrated Claudian house.(72)

(70) Dion. Hal. v. 35-6; vii. 5-7; Livy, ii. 14-5. The two accounts do not exactly agree. The expedition of Aristodemus Malacus to Aricia, is described in detail by Dionysius in the 7th book, and is represented as the means by which he made himself despot. Eutropius, i. 11, seems to consider Tusculum as the last asylum of Tarquin: 'Tertio anno post reges exactos Tarquinius, cum suscipi non posset in regnum, neque ei Porsena, qui pacem cum Romanis fecerat, auxilium præstaret, Tusculum se contulit, quæ civitas non longe ab urbe est, atque ibi per quatuordecim annos privatus cum uxore consenuit.' Another origin for the *Tuscus vicus* was found in the Etruscans who came to Rome with Cæles Vibenna under the kings: see above, vol. i. p. 508, n. 102-3. Festus, p. 355, seems to have stated both origins; Paulus Diaconus, in his abridgment of Festus, p. 354, only repeats the later origin. Compare Becker, vol. i. p. 488.

(71) According to Dionysius, they were stimulated to the war by Sextus Tarquin, who argued that the former treaty between the Sabines and Tarquin, was personal as regarded the latter, and not with the nation; v. 40.

(72) Dion. Hal. v. 37—47, 49; Livy, ii. 16; Plutarch, Publ. 20-2; Zon. vii. 13. Dionysius and Plutarch agree in stating that Clausus brought 5000 heads of families with him. Plutarch says that he received twenty-five plethra of land, and each of his followers two plethra. The derivation of the Claudian gens from Attus Clausus the Sabine, was recognised in the time of the Emperor Claudius: see Tacit. Ann. xi. 24. Compare xii. 25:

With this new strength, the Romans defeated the Sabines, and began to recover their confidence after their late humiliation. In one action, the Romans are said to have slain 13,000 Sabines, without the loss of a single man on their side.(73) Sextus Tarquin is reported as active in stimulating the Sabines; and after a temporary success, the Sabines send an insolent embassy to Rome, calling on the Romans to restore Tarquin. To this war is referred the gift to M. Valerius, brother of Publicola, of a house on the Palatine hill, which, as a special privilege, was permitted to have doors opening outwards. The house was still shown in the time of Dionysius.(74) The ovation, or minor triumph, is also stated to have had its origin in this war, and to have been decreed to the consul, P. Postumius Tubertus, in order to mark his unworthiness of the full triumph, in consequence of a previous reverse which the army under his command had sustained.(75)

§ 7 The death of Valerius Publicola now takes place. He received the honours of a public funeral, and, like Brutus, he was mourned by the matrons for a year.(76) By a special vote of the citizens, a privilege of burial in Velia was given to him and his descendants, contrary to the usual practice of the

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Appian, Hist. Rom. i. 11, gives a similar account. He says that Tarquin instigated the Sabines to attack the Romans; that Claudius having in vain attempted to prevent his countrymen from breaking the treaty with the Romans, removed to Rome with 5000 kinsmen and friends and slaves, was received into the Senate, and gave his name to a tribe.

(73) Plut. Publ. 20; Zonaras, vii. 13. The destruction of 13,000 Sabines is also mentioned by Dionysius, on two occasions in this war, v. 42, and 49. In the former battle, the prisoners are 4200, in the latter, a little less than 4000.

(74) Dion. Hal. v. 39; Plut. Publ. 20.

(75) Dion. Hal. v. 47. Licinius Macer was the authority for this statement respecting the origin of the ovation; see Krause, p. 242. Dionysius conceives the Latin word *ovatio* to have been distorted from the Greek εὐάστη; which he connects with εὐασμὸς and εὐάζω. Compare Festus, p. 195, who derives the word from the interjection, O. The sacrifice of a *sheep* (ovis) is doubtless the true origin of the word. The triumph of Postumius Tubertus over the Sabines is likewise stated by Pliny, N. H. xv. 38, to have been the first ovation, but the reason for this minor triumph assigned by him, is different from that assigned by Dionysius: 'quoniam rem leviter sine cruore gesserat.'

(76) Dion. Hal. v. 48; Livy, ii. 16, 18; Plut. Publ. 23; Scriptor de Vir. Ill. c. 15.

Romans, that all bodies should be buried without the city. In later times, the privilege was asserted on the death of any member of the Valerian family, but was not exercised.(77)

§ 8 At this point the narratives of Dionysius and Livy diverge so widely asunder, that, if it were not for the names of the consuls, it could not be suspected that they referred to the same year. Dionysius describes the exertions made by Sextus Tarquin and Oct. Mamilius for rousing the Latin towns. A federal assembly is held at Ferentinum, which is attended by M. Valerius. The Roman envoy appeals to the subsisting treaty with Rome,(78) and endeavours to dissuade the Latin deputies from the war; but in vain. The preparations, however, are delayed; and the Tarquins attempt to promote their cause by fomenting internal discord. They send secret agents to Rome with money, to corrupt the citizens; the same means are likewise used to gain over some of the slaves, whose minds were in a vindictive state, on account of the severities which had been exercised against their order, in a servile conspiracy of the preceding year.(79) By these means a formidable conspiracy is organized; but it is denounced to the consul by two brothers of Laurentum,(80) who are privy to the plot, and who have been terrified by visions warning them to withdraw from the enterprise. With the aid of this information, the consuls take measures for entrapping and seizing the conspirators, and they are put to death by a legal decree of the Senate and the people. Proper expiatory ceremonies are afterwards performed, in order to purify the city from the effusion of civil blood.(81) A detailed account is like-

(77) Plut. ib. Cic. de Leg. ii. 23. See above, vol. i. p. 186.

(78) This must refer to the treaty made in the time of Tarquin: Dion. Hal. iv. 48-9; Livy, i. 52.

(79) This is described in Dion. Hal. v. 51? The slaves whose names were reported to the consul are stated to have been all crucified.

(80) Their name, as it stands in the text of Dionysius, is Tarquinius, v. 54—57. Dionysius considers these visions as having been sent by the gods, for the express purpose of preserving Rome. *ἡ δ' ἐν παντὶ καιρῷ σώζουσα τὴν πόλιν, καὶ μέχρι τῶν κατ' ἐμὲ χρόνων παραμένουσα θεία πρόνοια, διεκάλυψεν αὐτῶν τὰ βουλεύματα*; c. 54.

(81) Dion. Hal. v. 50—57.

wise given by the same historian of the siege and capture of Fidenæ, and of its subsequent treatment.(82) Sextus Tarquinius is also reported to have made, at the same time, an unsuccessful attack with a Latin force upon Signia, which was garrisoned by Romans.(83) Of all this nothing appears in Livy, except that he mentions the bare fact of Fidenæ being besieged.(84) By way of compensation, however, he relates other events, to which there is no allusion in Dionysius. These are, a war with the Aurunci, and the siege and capture of Pometia; as to the latter of which many details are given.(85)

§ 9 Dionysius proceeds to narrate the occurrences which lead to the appointment of a dictator, and to the battle on Lake Regillus. Another federal assembly of the Latin towns is held, which, at the instigation of Sextus Tarquin and Mamilius, agrees to make war upon Rome. In the meantime, Latin envoys are sent to the Senate, to complain of the assistance given by the Romans to the Etruscans, the enemies of Aricia. They call upon the Romans to justify themselves before the federal assembly; and announce that if this demand is refused, the alternative is war. The Romans refuse all redress, and accept the alternative. Having made this decision, the Romans send round to the neighbouring nations to obtain assistance; but receive only hostile or evasive answers. The poorer class of citizens likewise refuse to serve, unless they obtain relief from their debts. The moderate party, represented by M. Valerius, son of Publicola, advise the adoption of this measure: in his speech to the Senate, he cites the Seisachtheia of Solon, and also the concessions recently made to Porsena, as examples to be followed. Appius Claudius, the newly-appointed senator, maintains the opposite view, and several intermediate opinions are expressed. The Senate adopt a com-

(82) Dion. Hal. v. 52; 58—60.

(83) Dion. Hal. v. 58. (84) ii. 19.

(85) See Livy, ii. 16-7. Crevier remarks: 'Quæ de Pometiâ vi captâ et dirutâ narrat hoc loco Livius, eadem fere Dionysius de Cameriâ veteris Latii urbe: de bello cum Auruncis omnino silet. Fatendum est veterum illorum temporum historiam densis tenebris involutam esse.' The account of the capture of Camcria is in Dion. Hal. v. 49.

promise: they agree to suspend the enforcement of all debts and judgments, and to close the civil courts, until the termination of the war.(86) In this state of things, the Senate decide to place the consular functions in abeyance, and to create a dictator, with absolute power,(87) for six months. Their motive for this measure is represented as being the war with the Latins and the Tarquinian party, combined with the existence of the Valerian law, which gave an appeal against the consul, and prevented him from enforcing the enlistment of the citizens. Like the arrangement of the centuries in the Servian constitution, the office of dictator is described as a trick to evade the Valerian law. The first decree of the Senate is, that a dictator is to be nominated for six months, by their own body, and confirmed by the vote of the people. This decree is sanctioned by the popular assembly, who vote in ignorance of its real effect; and they even leave the final choice of the dictator to the Senate, without reserving to themselves any voice in his election. The Senate desire the appointment of T. Larcius, one of the consuls, as being the person best fitted to the emergency; but in order that they may not wound the feelings of his colleague, Q. Cloelius, they pass a decree that one consul shall appoint the other to be dictator. By this contrivance, the honour is in some measure divided between them; the one consul having the power of appointment, and the other receiving the office. Each consul thereupon names his colleague, and a contest of disinterested modesty takes place, which is at length terminated by Cloelius declaring his

(86) Concerning the removal of this suspension, see Dion. Hal. vi. 22. Dionysius, v. 69, describes slavery as the consequence of insolvency: one proposal, he says, was to give the creditors the bodies of captives in exchange for their insolvent debtors. In v. 53, he says that the creditors put their debtors in bonds, and treated them like purchased slaves. See below, § 15, 18.

(87) Dionysius calls it an *ἰσοτύραννος ἀρχή*; v. 70. The power of the dictator was greater than that of the kings; v. 71. Suidas, in v. *δικτάτωρ*, describes the dictator as *ὑπερέχων μὲν τῆς τῶν ὑπάτων ἀρχῆς, τοῖς δὲ βασιλεῦσι προσφιλέστατος· ἀνυπεύθυνόν τε γὰρ τῶν ὅλων εἶχε τὸ κράτος, καὶ ἰσοτύραννον ἐν τῷ καθεστηκότι χρόνῳ τὴν ἐξουσίαν.* The following sentence, which compares the dictatorship with the imperial power of Julius and Augustus Cæsar, agrees with Eutropius; i. 12.

colleague dictator, and by Larcius acquiescing in the nomination.(88)

Thus, according to Dionysius, was the first dictator appointed. The name of the office was, he thinks, derived either from *edicta*, the Roman name for the ordinances of magistrates, or from *dictus*, because the dictator was, contrary to the usual custom, named by one person. The office itself he believes to have been derived from the Greek Æsymnetes, whose office is described by Aristotle and Theophrastus to have been an elective despotism.(89) Licinius Macer, however, considered the dictatorship to have been imitated from Alba, the metropolis of Rome; where, after the deaths of Amulius and Numitor, and the failure of the royal line, annual officers, with the powers of a king, were elected under this name.(90)

As soon as Larcius has entered upon his office of dictator, he appoints Spurius Cassius master of the horse; a custom which, says Dionysius, was retained up to his own time. He likewise restored the regal practice, abolished by Valerius, of carrying the axes in the fasces of the lictors within the city.(91) He moreover enforced the census, according to the laws of king Servius,

(88) Dion. Hal. v. 70-2. The imaginary contest between the two consuls in Dionysius may be compared with the real contest between Constantine and Nicolas, for the succession to the Russian throne, upon the death of their father, the Emperor Alexander. See Alison's History of Europe since 1815, vol. ii. c. 8.

(89) See Aristot. Pol. iii. 14, where it is called *αἱρετὴ τυραννὶς*, and Theophrast. ap. Dion. Hal. v. 73. Dionysius applies the same term to the Roman dictatorship: *ἔστι γὰρ αἱρετὴ τυραννὶς ἡ δικτατωρία*, ib.

(90) Dion. Hal. v. 74.

(91) Appian, B.C. i. 100, states that Sylla was dictator over the consuls, and that twenty-four fasces were carried before him, as before the ancient kings. Livy makes the same statement respecting Sylla, but says nothing as to the practice of the kings. 'Sulla, dictator factus, quod nemo unquam fecerat, cum fascibus viginti quatuor processit;' Epit. 89. Elsewhere, Appian gives a different account of the number of fasces carried before the kings. 'The Romans (he says) call the prætors *ἐξαπελέκεις*, because they have half the dignity of consuls, who, like the ancient kings, had twelve fasces with axes;' Syr. 15. As there was no authentic account of the practice in the regal period, it was as easy to guess that twenty-four fasces, as that twelve fasces, were carried before the king. Dion. Hal. x. 59, says that the second decemvirs went about, each preceded by twelve lictors with the axe in the fasces, like the kings. Livy, ii. 18, speaks of the axes being carried before the first dictator as a distinctive feature of his office.

and called out the fighting men in four classes. Having made these vigorous preparations for war, he took the field with three armies, and at the same time used means, by private envoys, for mitigating the hostility of the Latins. A slight advantage was afterwards gained over the army under Mamilius and S. Tarquin by Clœlius; which ended in a truce for a year with the enemy. When affairs had been brought to this posture, Larcius abdicated his office, his term not having expired, and his power of life and death, exile, and severe punishment, not having been once exercised.(92)

This detailed account of the creation of the dictatorship, and of the appointment of the first dictator, is given by Dionysius, as if it was as well ascertained as the history of the creation of the presidency of the India Board, and the appointment of the first president, under the administration of Mr. Pitt. He knows not only the causes which led to the creation of the office, but also the various stages of the proceeding, the debates in the Senate, the speeches of the senators, the motives of their policy, the mutual feelings of delicacy on the part of the consuls, and all the other material circumstances of the transaction. We are therefore somewhat surprised, on comparing the account of Livy, to find the transaction represented in a totally different light. Livy places the creation of the dictatorship three years earlier than Dionysius; viz., in the year of Cominius and Larcius, and not in the year of Larcius and Clœlius (501, instead of 498 B.C.). Clœlius is an essential character in the drama of Dionysius: in Livy's account he is altogether wanting. So far is Livy from sharing the quiet confidence of Dionysius in narrating this event, that he describes it as uncertain in what year, and under what consuls, the dictatorship was created, or who first filled the office.(93) The most ancient authorities mentioned Larcius, but

(92) Dion. Hal. v. 75-7. Dionysius, c. 77, reckons 400 years from the dictatorship of Larcius to the preceding generation: that is, 498—400= 98 B.C.

(93) In hac tantarum expectatione rerum solicitâ civitate, dictatoris primum creandi mentio orta: sed nec quo anno, nec quibus consulibus, quia ex factione Tarquiniâ essent (id quoque enim traditur), parum

Manius Valerius, the son of Marcus, was named by some writers. The fear of a Sabine war, and a defection of the Latin cities under Mamilius, are the causes assigned by Livy for the step: a distrust of the consuls, on account of their belonging to the Tarquinian faction, is likewise mentioned as a motive.(94) The Sabine war is however represented by him as the chief incentive to the measure.(95) Livy, like Dionysius, describes the facility afforded for compelling the enlistment of the citizens by the absolute, undivided, and inappellable power of the dictator. The truce which Dionysius states to have been made with the Latins, Livy transfers to the Sabines. Altogether, the two accounts are quite disparate; and the discordance of testimonies reported by Livy, proves that the version of Dionysius rests on no solid ground.(96)

§ 10 In the year of the armistice between the Romans and Latins, Dionysius places a strange story of an act of the Roman legislature, declaring that in all cases of mixed marriages between the Romans and Latins, the wife might, if she thought fit, return to her father; taking with her the unmarried daughters,

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creditum sit, nec quis primum dictator creatus sit, satis constat; Livy, ii. 18. In order to complete the meaning of this sentence, we must supply, sed nec quo anno [dictator creatus sit].

Larcius is named as the first dictator by Cic. Rep. ii. 32; Zon. vii. 14. A wholly different account of the first dictatorship of Larcius is given in Lydus de Mag. i. 37-8. Festus, in Optima lex, p. 198, states that Manius Valerius was the first *magister populi*.

(94) Becker, ii. 2, p. 151, says (after Niebuhr, vol. i. p. 563) that the tradition of a dictator having been created because both consuls belonged to the Tarquinian faction, 'sounds very natural and historical.' This may be so; and yet, without adequate *external* testimony, we are not warranted in assuming it to be true.

(95) Sabinis etiam creatus Romæ dictator (*eo magis quod propter se creatum crediderant*) metum incussit; ib. Higher up, the sense requires 'Supra belli *Latini* (for *Sabini*) metum,' as has been already corrected. Orosius likewise represents the dictatorship as having been created on account of a Sabine war. 'Post hæc Sabini corrasis undique copiis, magno apparatu belli, Romam contendunt; quo metu consternati Romani dictatorem creant, cujus auctoritas et potentia consulem præiret: quæ res in illo tunc bello plurimum emolumenti tulit;' ii. 5.

(96) Suidas, in δικτάτωρ, agrees with Dionysius in stating that a dictator was first appointed on account of the alarm created by the attack of the Latin cities under the command of Mamilius (erroneously written Μάλλιος), who sought to reinstate his kinsmen.

and leaving the sons with her former husband. These marriages were, he says, very numerous, and the result was, that nearly all the Roman women in the Latin cities returned to their fathers, while only two Latin wives of Roman husbands returned to Latium.(97) Dionysius does not explain how the Roman Senate was able to enforce a decree of this kind in the Latin cities, with which only a short truce existed, and against which the war was about to be renewed.

§ 11 After the expiration of the year's armistice, a great battle between the Romans and the Latins was fought at the lake Regillus, in the Tusculan territory.(98) As in the battle at which Brutus and Arruns Tarquin were killed, it was distinguished by the personal part which the chiefs on each side took in it. Like the heroes in the Iliad, they appear rather as combatants than as captains.(99) According to Livy, the dethroned king Tarquin fought on the side of the Latins, and was personally engaged with Postumius, the Roman dictator, by whom he was wounded.(100) Dionysius(101) censures Licinius Macer and Gellius

(97) Dion. Hal. vi. 1. Ruperti remarks on this account: 'Fortasse hoc figmentum est hominis Græculi Romanis adulaturi.' It seems however extremely improbable that any of the events which Dionysius relates were invented by him. In assigning causes, reasons, motives, and connexion, in dramatizing facts, and in fabricating speeches, he doubtless exercised an unlimited discretion. Dr. Schmitz, art. Dionysius, in Dr. Smith's Dict. of Anc. Biogr., remarks that 'it is a groundless assertion, which some critics have made, that Dionysius invented facts, and thus introduced direct forgeries into history.' See above, vol. i. p. 245, n. 4.

(98) Nibby, Analisi, vol. iii. p. 9, places lake Regillus at a dried crater called Pantano Secco, four miles from Frascati. This however is a mere conjecture. Postumius the dictator is described by Dionysius as making a long harangue to his soldiers, which occupies four chapters; vi. 6—9.

(99) On the personal conflicts of the generals at Regillus, see Niebuhr, Hist. vol. i. p. 557.

(100) Tarquinius Superbus, quamquam jam ætate et viribus erat gravior, equum infestus admisit; Livy, ii. 19.

(101) vi. 11. He designates them as οἱ δὲ ἑξηκοντάκις οὔτε τῶν εἰκότων οὔτε τῶν δυνατῶν. In c. 4, Dionysius mentions that some writers make Oct. Mamilius, not the son-in-law of Tarquin, but the son of his son-in-law; that is, his grandson. Mamilius is represented as the son-in-law of Tarquin both by Dionysius and Livy: see Dion. Hal. iv. 45; Livy i. 49; as well as by Victor, de Vir. Ill. c. 16; and it does not appear what chronological difficulty could have suggested the expedient of placing him a generation lower. The husband of the daughter of Tarquin II. might well be present at the battle of Regillus, about the fifteenth year of the Republic.

for giving the same account; he points out the improbability of a man aged ninety years taking part in such a conflict; and substitutes Sextus and Titus, his two sons. Livy says nothing of Titus on this occasion: Sextus, according to his account, had been already killed at Gabii, at the time of his father's dethronement.(102) Mamilius, the Latin general, and Titus Ælbutius, the Roman master of the horse, challenge one another to personal combat, and are both wounded. Mamilius is at last killed by T. Herminius, the Roman lieutenant, who is himself mortally wounded while he is spoiling the dead body. Marcus Valerius, the brother of Publicola, likewise falls in the battle: the dictator alone, of the chiefs on either side, escapes unhurt.(103) Titus Tarquin is described by Dionysius as wounded early in the battle; while Sextus, when he sees that the Romans are victorious, seeks death amidst the ranks of the enemy. From this great defeat, the Latins, according to the same historian, only carried away 10,000 men out of 40,000 infantry and 3000 cavalry.(104)

At this battle, two youthful horsemen, larger and more beautiful than mortal men, were seen by Postumius, leading on the Roman cavalry, and driving the Latins before their spears. Two

(102) i. 60.

(103) Ergo etiam prœlium aliquanto quam cetera gravius atque atrocius fuit. Non enim duces ad regendam modo consilio rem adfuere, sed suismet ipsis corporibus dimicantes, miscuere certamina; nec quisquam procerum ferme hac aut illâ ex acie sine vulnere, præter dictatorem Romanum, excessit; Livy, ii. 19.

(104) See Dion. Hal. vi. 2—12; Livy, ii. 19-20. Different circumstances with respect to this battle, and a different master of the horse, are mentioned by Florus, i. 11: Apud Regilli lacum dimicatur diu marte vario, donec Postumius ipse dictator signum in hostes jaculatus est (*novum et insigne commentum*), ut inde peteretur cursu. Cossus equitum magister exuere frenos imperavit (*et hoc novum*), quo acrius incurrerent. This battle therefore furnishes Florus with two military origins. Frontinus, Strateg. ii. 8, § 1, probably with equal truth, attributes the origin of the custom of throwing a standard into the enemy's ranks, in order to be recovered, to Servius Tullius, in a battle with the Sabines. See Livy, iii. 70, for an early mention of the same practice. The circumstance of taking off the horses' bridles in this battle is also given by Victor, de Vir. Illustr. c. 16. Plutarch, Cor. 3, states that Coriolanus first served in this battle; and that he distinguished himself by saving the life of a wounded Roman, for which he received from the dictator a chaplet of oak. This is borrowed from the speech of Coriolanus to the Roman ambassadors, in Dion. Hal. viii. 29.

horsemen, of similar appearance, brought tidings of the victory to Rome, and dismounted at the spring near the temple of Vesta, where they washed themselves after the fatigue of the day: they then disappeared, and could be nowhere found. On receiving next day the despatches of the dictator, with the account of the battle, the authorities in the city perceived that the horsemen who had appeared to Postumius, and those who had been seen in Rome were both the visible forms of the Dioscuri. 'Of this miraculous apparition of the divine brothers in Rome, there are (says Dionysius) many evidences. These are the temple of the Dioscuri, which was built by the city in the forum, the place where the gods were seen; the fountain near it, held sacred to them, and still called by their name; and costly sacrifices, which the people annually celebrate, by the agency of the principal knights, on the ides of Quintilis, the anniversary of the victory. Besides these, there is after the sacrifice the procession of all those who receive a horse from the public, arranged in tribes and centuries, riding in military array, as if they were returning from battle, crowned with olive branches, and habited in purple trabeæ. Starting from a temple of Mars outside the city, they pass through the forum, in front of the temple of the Dioscuri, sometimes to the number of 5000, wearing the badges of honour received from the generals in battle; they form a splendid sight, and one worthy of the greatness of the Roman empire. Such are the things said and done by the Romans, in relation to the alleged appearance of the Dioscuri; and hence we may learn how the men of that time were beloved by the gods, with many other things of importance.'(105)

(105) vi. 13. The appearance of Castor and Pollux at the battle is mentioned by Cic. Nat. Deor. ii. 2: in nostrâ acie Castor et Pollux ex equis pugnare visi sunt; and their appearance both at the battle and at Rome, in Tusc. Disp. i. 12. Plutarch, Coriol. 3, mentions both appearances, as well as the temple and fountain, and he states that the ides of July (Quintilis) are, for this reason, sacred to the Dioscuri. Florus, i. 11, says that Castor and Pollux appeared on white horses at the battle, and that the dictator vowed them a temple. Victor, de Vir. Ill. c. 16, attempts to soften the marvel by saying that the dictator having seen two young men on white horses at the battle, and not being able to find them, in order to confer military honours on them, assumed them to be Castor and Pollux, and built

§ 12 On the morrow of the battle, a Volscian army arrives to assist the Latins, and the general attempts to deceive Postumius; but the latter detects the stratagem, and the Volscians withdraw.(106) Shortly afterwards, envoys from the Latin cities come to Rome, protesting that the Latins had been misled by selfish demagogues, and supplicating, in the most earnest and humble manner, that they may be received as allies and subjects of the Romans. Hereupon a debate takes place in the Senate: Larcius advises a simple renewal of the treaty with the Latins, as it existed before the war. Servius Sulpicius recommends the confiscation of half their territory, and its occupation by Roman colonists: a still severer course is counselled by Sp. Cassius: he wishes that their towns should be razed to the ground, and that the population should be treated like that of Alba.(107) The Senate decide in favour of the proposition of

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them a temple. Frontinus, Strat. i. 11, § 8, goes one step farther—for he describes it as a pious fraud of Postumius. 'A. Postumius prælio, quo cum Latinis conflixit, oblatâ specie duorum in equis juvenum, animos suorum erexit, *Pollucem et Castorem adesse dicens*, ac sic prœlium restituit.' The victory of the Romans at the battle of Regillus is attributed to the assistance of Castor and Pollux, by Val. Max. i. 8, § 1. Compare Ovid, Fast. i. 707; Minuc. Felix, c. 7; Latinus Pacatus, in Paneg. c. 39.

Plutarch, Æmil. Paul. 25, adds another marvel belonging to this legend; namely, that when the divine brothers announced the news of the victory, they laid their hands on the beard of one man who appeared to doubt the report, and, in confirmation of its truth, changed its colour from black to red: whence he received the name of *Ahenobarbus*. This story is intended to account for the name of the important family of the Ahenobarbi, to which the Emperor Nero belonged. Suet. Ner. i. tells the story, but in general terms, and without referring it to the battle of Regillus. It may be observed that Castor and Pollux are supposed to appear at Rome before there was time for a mortal horseman to bring the news of the victory from the field of battle. Concerning the temple of the Dioscuri, which was called the temple of Castor, see Becker, vol. i. p. 222, 298. Livy, who dislikes supernatural incidents, makes no mention of the appearance of the divine brothers, and merely says that the dictator vowed a temple to Castor, ii. 20, the dedication of which he mentions in a subsequent year; c. 42. A joke of M. Bibulus, the colleague of Julius Cæsar in the edileship, refers to this temple. He said that his case resembled that of Pollux; for that as the temple of the two divine brothers was called only the temple of Castor, so the edileship, at their joint expense, was called the edileship of Cæsar; Suet. Cæsar, 10; Dio Cass. xxxvii. 8.

(106) Dion. Hal. vi. 14-17. Livy, ii. 22, mentions the intention of the Volscians to send succours to the Latins, and of the haste of the dictator to engage with the Latins before the Volscian army could arrive.

(107) Concerning the treatment of Alba, see above, c. xi. § 16.

Larcius, making certain conditions with respect to the release of prisoners, the restoration of fugitives, and the expulsion of the Tarquinian exiles. Tarquin himself, being excluded from the neighbouring states, flies to Cumæ, where he obtains an asylum from Aristodemus Malacus, and in a short time dies there at an advanced age. After his death nothing more is heard of the attempts of the Tarquinian family to recover the throne of Rome. These later events are given according to the narrative of Dionysius.(108) Livy says nothing of the Latin embassy; and he separates the death of Tarquin from the battle of Regillus by four years,(109) according to the account which he follows, and by one year according to the other account. The battle of Regillus is placed by Dionysius in the consulship of Postumius and Virginius, 496 B.C., whereas it is placed by Livy three years earlier, in the consulship of Æbutius and Veturius, 499 B.C. Livy however mentions that according to some of his authorities, the battle fell in the consulship of Postumius and Virginius: adding that Postumius abdicated his consulship and was made dictator, because the fidelity of his colleague was suspected; by which is probably meant that he was supposed to be a partisan of the Tarquins.(110) A different reason for the appointment of Postumius is assigned by Dionysius, and no suspicion is cast by him upon the loyalty of Virginius.(111)

§ 13 The entire narrative of the first period of the consular government, during the contest with the exiled party, down to the death of Tarquin, is so destitute of external attestation, and presents so many internal difficulties of incoherence and impro-

(108) Dion. Hal. vi. 18-21. In vii. 2, he mentions the Roman exiles at Cumæ who escaped with king Tarquin, ἐκ τῆς τελευταίας μάχης. This τελευταία μάχη is the battle of Regillus.

(109) Cicero appears, like Livy, to conceive Tarquin as passing some time in exile at Cumæ. 'Is quum restitui in regnum nec Veientium nec Latinorum armis potuisset, Cumas contulisse se dicitur, inque eâ urbe senio et ægritudine esse confectus;' Tusc. Quæst. ii. 12.

(110) Hoc demum anno ad Regillum lacum pugnatum, apud quosdam invenio; A. Postumium, quia collega dubiæ fidei fuerit, se consulatu abdicasse: dictatorem inde factum; Livy, ii. 21.

(111) Dion. Hal. vi. 2, says that all were of opinion that an irresponsible chief was required by the emergency.

bability, that it is scarcely possible to select any portion of it as worthy of credit.

No event in Roman history was more celebrated than the execution of the sons of Brutus by their father.(112) It was doubtless believed at an early time, and was quite consistent with the stern enforcement of legal justice, regardless of private feelings, which distinguished the early Romans.(113) Such an event could not fail to make a deep impression upon the contemporary generation, and was likely to live long in the popular memory. But on what authority it was recorded by the first Roman chroniclers, we cannot now discover.

The popular distrust of Collatinus, merely on account of his bearing the name of Tarquin, seems absurd; particularly as the outrage upon his wife and its tragic ending, which were the apparent motives of his election to the consulate, were sufficient to prevent him from inclining to the Tarquinian cause. The reason assigned by Dionysius does not supply any satisfactory explanation, and seems moreover an expedient of his own. The distrust of Valerius is not much more intelligible—Livy attributes it partly to the fickleness of the people.(114) Altogether, the existence of a Tarquinian party at Rome, and in exile, is irreconcilable with the received account of Tarquin, whose rule is described as equally hated by rich and poor, by patricians and plebeians.(115)

The minute details which accompany the narrative of Dionysius for the first year of the Republic could not have been derived either from contemporary records or from oral tradition; and whether due to him or to some previous writer, show that

(112) Ῥωμαῖοι γὰρ οὐ τοσοῦτον ἔργον οἴονται Ῥωμύλου γενέσθαι τῆς πόλεως τὴν ἵδρυσιν, ὅσον Βρούτου τὴν κρίσιν τῆς πολιτείας καὶ κατάστασιν; Plut. Public. 6. Plutarch describes the lictors stretching the sons of Brutus on the ground (ἐπὶ τοὔδαφος) in order to behead them; which, it seems, was the Roman mode of decapitation.

(113) Compare the remarks of Dionysius, in viii. 79, with reference to the case of Cassius.

(114) Consuli deinde, qui superfuerat, *ut sunt mutabiles vulgi animi*, ex favore non invidia modo, sed suspicio etiam cum atroci crimine orta; Livy, ii. 7.

(115) See Dion. Hal. iv. 41-4; Livy, i. 49.

invention has been actively employed in this part of the history. The commencement of the Republic likewise formed an era to which the origins of various institutions were assigned. Valerius Antias reported that the first secular games were instituted by Valerius Publicola, after the expulsion of the kings;(116) and the same date is given to the assumption of seven *jugera* as the measure of land for a plebeian.(117) The variations in the accounts of the regulations respecting the fasces likewise prove that they were traced at random to the first consuls, as other ancient institutions were attributed to the kings.(118) The accounts of the Valerian laws are not clear or consistent;(119) though Niebuhr considers them beyond a doubt.(120)

According to the received history, P. Valerius is substituted for Collatinus, and therefore is for a time the colleague of Brutus; but Brutus is succeeded by Sp. Lucretius, who lives only a few days, and Lucretius is succeeded by Horatius.(121) Horatius therefore is never the colleague of Brutus, though they were both consuls in the first year. Polybius however speaks of the first treaty with Carthage as having been made in the time of the first consuls, L. Junius Brutus and M. Horatius, by whom the temple of the Capitoline Jupiter was consecrated.(122) He does not indeed give the names of the consuls as if they were a part of the inscription; but from whatever source he took them, they imply a different account of the first consulship from that followed by our historians. The dedication of the Capitoline temple was, according to Livy and Plutarch, performed by Horatius alone, after the death of Brutus, and without his colleague Valerius.(123) Dionysius and Tacitus place it two

(116) Ap. Censorin. de D. N. c. 17; Krause, p. 276.

(117) Hæc autem mensura [septem jugera] plebi post exactos reges assignata est; Plin. N. H. xviii. 4. A division of public land among the poor in the first consulship is mentioned by Dion. Hal. v. 13.

(118) Above, 2, 12. (119) Above, n. 41.

(120) Lect. vol. i. p. 114.

(121) Dio Cass. xlvi. 49, remarks that both Brutus and Collatinus died during their year of office.

(122) iii. 22. (123) Livy, ii. 8; vii. 3; Plut. Publ. 14.

years later, in the consulship of Valerius and Horatius:(124) so that neither of these accounts agrees with the statement of Polybius. The battle of Arsia, with its single combat of Brutus and Aruns Tarquin, in which both are killed, its divine voice issuing from the wood, and the nearly balanced numbers of the dead, with the majority of one on the Etruscan side, to indicate defeat, cannot be considered as standing on any strong ground of internal evidence; and the account of the institution of the quæstors is marked with that indistinct and fluctuating character which belongs to the accounts of the origins of the other ancient magistracies.(125)

The war with Porsena, in the form in which it is delivered to us, is not only replete with marvellous events (such as the defence of the bridge by Cocles, and his subsequent escape, the adventure of Mucius Scævola, and the flight of Clœlia and the other virgins); but it has also the additional suspicious circumstance that several of the incidents in it appear to be monumental or topographical legends. Thus statues of Cocles and Clœlia were preserved at Rome; the latter was an equestrian statue, and the stories of Porsena having given her a richly caparisoned war-horse, and of her having swum on horseback across the Tiber, were doubtless intended to account for this fact.(126) A path of Cocles, leading to the Sublician bridge, was shown in the Augustan age.(127) There was likewise at Rome a statue of Porsena himself, near the senate-house, in a simple and antique style of work.(128) The *Mucia prata*, near the Tiber, were referred to C. Mucius, and his name *Scævola*, or left-handed, was explained

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(124) Dion. Hal. v. 35. Tacit. Hist. iii. 72, says: 'Pulsis regibus, Horatius Pulvillus, iterum consul, dedicavit.'

(125) Above, p. 13.

(126) Above, p. 19, n. 66.

(127) Coclitis abscissos testatur semita pontes.
Prop. iv. 11, 63.

This verse of Propertius contains a simple expression of the popular idea that a name, or a legendary story connected with a place, is a proof of the fact which it professes to record.

(128) Plut. Publ. 19.

by the loss of his right hand in the fire.(129) The feat of Cocles becomes less marvellous in the version of Polybius, who describes him as losing his life in the defence of the bridge, instead of swimming safely across the Tiber, in the midst of a storm of javelins.(130) But whether Polybius had, at the time when he wrote, access to some more authentic version of this war, or whether he extracted the marvellous portion, and reduced it to the ordinary standard of probability, by an arbitrary rationalizing process, we have no means of deciding. The symbolical sale of the goods of Porsena doubtless took its origin in some historical fact; but how it was connected with the war of Porsena, the historians of the Augustan age could not clearly explain.(131) Another marvellous story associated with this war, is the prodigy of the clay chariot swelling in the fire at Veii; which is manifestly a legend of the Capitoline temple.(132)

According to the received accounts of this war, Porsena undertakes it in order to restore Tarquin to the throne from which the Romans had expelled him;(133) and he abandons it, from the fear of assassination, which had been inspired into him

(129) 'Le surnom de Scævola, qui distinguoit une branche de la famille Mucia, aura pu donner lieu d'inventer une circonstance, qui pouvoit faire croire, qu'elle descendoit de cet ancien Mucius. On ignoroit l'origine de ce surnom;' Beaufort Diss. p. 257. Niebuhr appears to suggest seriously that the loss of his right hand prevented Mucius from being consul; vol. i. p. 545.

(130) Polybius says that he threw himself into the river with his arms, and was drowned. He does not name the war in which the exploit was performed; vi. 55. Niebuhr censures the 'stupidity' of Dionysius for representing Cocles as lamed for life by the wound of a javelin in his thigh, and he praises Livy for keeping clear of such 'wretched absurdities;' Hist. vol. i. n. 1204. But the lameness of Cocles was mentioned by other writers: it was used as a means of accounting for the erection of his statue in the temple of Vulcan, the lame god: and a saying of his on the subject was repeated. See above, p. 14, n. 40.

(131) Niebuhr has another conjectural explanation of this custom, different from that given by the ancient writers; Hist. vol. i. p. 550.

(132) Above, p. 16.

(133) According to Dion. Hal. v. 21, Porsena promised Tarquin either to restore him to his throne, or to recover his property. Livy says that the Tarquins implored Porsena to replace the head of their family on his throne. 'Porsena tum regem esse Romæ, tum Etruscæ gentis regem, amplum Tuscis ratus, Romam infesto exercitu venit;' ii. 9. Similar statements are made by Florus, i. 10; Eutrop. i. 11; Victor de Vir. Ill. c. 11; Plut. Publ. 16. Virgil likewise represents the restoration of Tarquin as the object of Porsena's attack on Rome:—

by the hardihood of Mucius, and his threat of the imaginary band of three hundred conspirators. There are however some acts of romantic generosity on both sides: Valerius returns the hostages, who had escaped from their guards—but Porsena, on the other hand, is indignant at the treachery of the Tarquins in trying to intercept them—and he likewise admires the heroism of Clœlia; returns the hostages, and finally gives to the Romans the territory which they had won from the Veientes and had restored to them. Altogether the facility with which Porsena desists from the siege, abandons the cause of the Tarquins, and grants advantageous terms to the Romans, are unexplained in the received account, by grounds which savour of reality, and which resemble such as occur in authentic contemporary history recounted by eye and ear witnesses.(134) Hence also insulated notices respecting this war, which lead to a totally different view of its termination, are the more deserving of attention. Tacitus speaks of Rome as having been surrendered to Porsena, and taken by the Gauls;(135) and it has been sup-

Nec non Tarquinium ejectum Porsena jubebat
Accipere, ingentique urbem obsidione premebat:
Æneadæ in ferrum pro libertate ruebant.—Æn. viii. 646-8.

Orosius, in the following passage, faithfully reproduces the meaning of the earlier writers: 'Porsena rex Etruscorum, gravissimus regii nominis suffragator, Tarquinium manu ingerens, tribus continuis annis trepidam urbem terruit, conclusit, obsedit; et nisi hostem vel Mucius constanti urendæ manus patientiâ, vel virgo Clœlia admirabili transmeati fluminis audaciâ permovissent, profecto Romani compulsi fuissent perpeti, aut captivitatem, hoste insistente superati, aut servitutem, recepto rege subjecti;' ii. 5.

Cicero, Tusc. Quæst. iii. 12, who speaks of the inability of the *Veientes* and *Latins* to restore Tarquin, appears, as Niebuhr, vol. i. p. 541, remarks, to consider the war of Porsena as a war of conquest, and not as intended to reinstate the banished king on his throne. It is however possible that Cicero may have made the omission from inadvertence, or he may have confounded Veii and Clusium.

(134) The note of Servius, on Æn. xi. 134, contains a story of friendly intercourse between the Romans and Etruscans during the war of Porsena: 'Apud majores magna erat cura fidei, adeo ut induciis factis colloqui soliti essent duces populi Romani cum hostium ducibus, summâque severitate vindicatum, si injuriam se passos quererentur: denique obsessâ urbe a Tarquinio, inter Porsennam et Romanos factis induciis, cum lûdi circenses in urbe celebrarentur, ingressi hostium duces curuli certamine contenderent, et victores coronarentur.'

(135) Hist. iii. 72. The explanation of the word *potuissent* in this passage, given by Niebuhr, vol. i. n. 1213, is doubtless correct. Tacitus violates a canon of style, laid down by Aristotle, Rhet. iii. 5, § 7.

posed that a trace of this surrender is to be found in the gift of an ivory throne, and other badges of royalty, which the Roman Senate, according to Dionysius, sent to Porsena, after his departure from Rome, but which this historian conceives as a purely complimentary donation.(136) Pliny moreover speaks of having read the treaty granted by Porsena to the Roman people, after the expulsion of the kings; which contained a prohibition of the use of iron otherwise than in agriculture.(137) If the treaty with Carthage made in the first year of the Republic was extant in the time of Polybius, there is no reason why a treaty with Porsena should not have been preserved to the time of Pliny. Assuming therefore the copy which Pliny read to have been authentic,(138) the prohibition which he reported implies that the Romans had been disarmed by their conqueror, and that their condition was one of political dependence and helplessness.

Nothing can show in a more striking manner the unsatisfactory state of our information respecting the early history of the Republic, than that our knowledge of a treaty, which places the war of Porsena in a light wholly different from that in which it is presented by all the historians, should be derived exclusively from a single casual allusion in the Natural History of Pliny. What authorities respecting the war of Porsena Tacitus could have followed, and whether he meant the 'surrender' of the city to Por-

(136) v. 35. See Beaufort, p. 241; Niebuhr, Hist. vol. i. p. 548. Livy, x. 16, represents the Samnites, in 296 B.C., as reminding the Etruscans of their former successes against the Romans: 'Nihil abesse, si sit animus Etruscis, qui Porsenæ quondam majoribusque eorum fuerit, quin Romanos, omni agro cis Tiberim pulsos, dimicare pro salute suâ, non de intolerando Italiæ regno, cogant.'

(137) In fœdere quod expulsis regibus populo Romano dedit Porsenna, nominatim comprehensum invenimus, ne ferro nisi in agriculturâ uterentur; N. H. xxxiv. 39. Concerning a similar humiliation of the people of Israel by the Philistines, see 1 Samuel, xiii. 19—22, cited by Dr. Arnold. Niebuhr, ib. p. 548, says that the state of Rome at this time would be described by the words 'Arma adempta, obsidesque imperati,' if the historian were speaking of a town which had submitted in the same manner to the Romans.

(138) Beaufort says of this treaty: 'Pline appuye ce qu'il dit, d'une pièce authentique qu'il a lue et examinée lui-même. On ne peut donner de garant plus sûr, et on ne peut avec raison révoquer en doute un fait appuyé sur une pareille preuve;' Diss. p. 244. Niebuhr's remark is: 'Pliny saw the treaty, but where, is uncertain; a tablet probably did not exist, but he may have found it in Etruscan books;' Lect. vol. i. p. 118.

sena to be interpreted literally, it is difficult to decide. Beaufort thinks that Tacitus would not have affirmed such a fact without good authority; and conjectures that the ground upon which he relied was the treaty cited by Pliny.(139) It is possible that Rome may have surrendered to Porsena, and that it may have been compelled to submit to the hard condition of disarming its population, and using iron only for agriculture. But if these events happened, their connexion with the series of facts delivered to us as the history of the time is undistinguishable. Porsena is described as instigated to the war against Rome by Tarquin, and as attacking the Romans in order to compel them to replace Tarquin on his throne. If he reduced the Romans to submission, why did he not restore Tarquin? To this question no satisfactory answer can be given; for conjectures as to possible reasons why he might have changed his mind, do not remove the difficulty.(140) Besides, if the Romans had been brought so

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(139) 'Tacite est un auteur trop judicieux et trop exact, pour qu'on puisse croire qu'il ait avancé un fait de cette nature sans de bons garans. Il ne lui avait sans doute donné place dans son histoire, qu'aprés s'être bien convaincu de la vérité. Peut-être étoit-ce quelque pièce originale, qui jusqu'à son temps étoit demeurée ensevelie dans la poussière, où il avoit puisé la connoissance d'un fait, qui avoit été ignoré par tous les historiens qui l'avoient précédé. Ce qui confirme cette conjecture, c'est un traité que Pline cite, où nous trouvons de quoi appuyer ce que dit Tacite. . . . C'est apparemment dans ce traité que Tacite s'étoit instruit de la verité, et qu'outre la condition insérée, qui désarme les Romains, il y avoit d'autres articles, par lesquels on voyoit clairement que ce roi avait pris la ville.' Dissertation, p. 239.

(140) The objection adverted to in the text is stated, and answered by Beaufort: 'Mais, pourroit-on dire, si Porsenna obligea les Romains de se rendre à lui, et se vit en état de leur donner la loi, d'où vient ne rétablit-il pas Tarquin sur le trône? Car tous les historiens conviennent, que ce fut là le seul motif qui lui fit prendre les armes contre les Romains. Il n'est pas fort difficile de répondre à cette objection. Le prétexte, que Porsenna prit pour faire la guerre aux Romains, fut en effet le rétablissement de Tarquin, et c'en était un fort specieux, que de prendre en main la cause d'un roi allié, qui se voyait depouillé de son royaume. Mais on connait assez la coutume des princes de colorer leurs desseins de semblables prétextes, et de les faire servir à l'avancement de leurs propres affaires. *Peut-être* Porsenna se voyant maître du sort des Romains, aima-t-il mieux en faire ses sujets, et tirer lui même avantage de cette guerre, que de les remettre sous la domination de Tarquin. *Peut-etre aussi* que voyant la grande aversion qu'ils témoignaient à subir un joug, qu'ils venaient de secouer, il craignit de révolter une nation naturellement féroce, et de la rendre intraitable, s'il paraissait trop ferme là-dessus. *Peut-etre enfin*,

low by Porsena, as to give up their arms, why did not the Latins, lately their subjects, and shortly afterwards their mortal enemies, crush them in their weakness, and give them their deathblow? Why did not other neighbouring nations, with which they had been at war, why did not the Veientes, or the Sabines, or the Volscians, fall upon them at a moment when they were defenceless and undefended? In the first year of the Republic, the Romans, as we learn from the treaty with Carthage, were the masters of many of the Latin cities, and the latter were their subject allies. Is there anything in the relations of a paramount state and its dependent cities in antiquity, which would lead us to expect forbearance, when such an opportunity presented itself? No trace of any serious blow inflicted upon Rome can be found in the history of the years immediately succeeding the expedition of Porsena. She defeats the Sabines, takes some towns, and in a few years defeats the whole Latin confederacy, at the battle of Regillus. If the entire Roman nation had been disarmed by a foreign enemy in the second or third year of the Republic, it is impossible that the progress of the Roman power, and the success of the Roman arms, could have been, as they are described to us, in the twelve years following; especially as Rome must be conceived as having fallen from a lofty height of power, and as obnoxious to the vindictive feelings which are inspired by the exercise of an imperial rule over subject communities. Unless we are to suppose, not only that the details and circumstances, but that the whole course and tenor of the early history of the Republic, are fictitious, the gradual and unchecked advance of the military power of Rome, and the death of Tarquin in banish-

que voyant l'extrême répugnance que les Romains témoignaient de se remettre sous un joug, dont ils connaissaient toute la pésanteur, et qu'ils ne faisaient pas difficulté de se soumettre à sa domination, pourvû qu'il ne rétablit pas celle des Tarquins, il ne crut pas devoir négliger une conquête si avantageuse, et se mit peu en peine de mécontenter ces princes.' Dissertation, p. 245. Niebuhr reflects upon Beaufort for limiting his criticism to merely negative results, vol. i. n. 1216; but this passage, at least, is written in the spirit of conjectural hypothesis which pervades the chief part of Niebuhr's work. See above, vol. i. p. 9, n. 23.

ment, without having been ever restored to his throne, are facts deserving of credit; and these facts are irreconcilable with the supposition that Rome was subjugated by Porsena.

Niebuhr finds a confirmation of the reports as to the humiliation of Rome by Porsena, in a comparison of the statements respecting the number of the tribes.(141) Twenty-one tribes are mentioned by Livy in the year 495 B.C., shortly after the battle of Regillus,(142) and the same number is mentioned by Dionysius in the year 491 B.C.(143) The number thirty was named by some of the ancients for the tribes of Servius;(144) whence Niebuhr infers that Porsena mulcted the Romans of a third part of their territory. Livy however only mentions the four city tribes in the time of Servius,(145) and we do not know what he supposed the entire number to have been. His words imply that the number of twenty-one for the tribes was voluntarily established in the year 495 B.C., after the battle of Regillus, and without any reference to the war of Porsena.(146) Even if the number of twenty-one for the tribes in 495 B.C. rests on credible contemporary evidence (of which we have no warrant), we have nothing to assure us that the number of thirty for the tribes of Servius is authentic. But the emptiness of Niebuhr's explanation is conclusively proved by the fact that, according to Livy, the number of twenty-one tribes remained unchanged till 387 B.C., more than a century afterwards.(147) Now the effects of Porsena's war were, as Niebuhr himself supposes, speedily

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(141) Hist. vol. i. p. 419, 598, n. 1324; Lect. vol. i. p. 118.

(142) Livy, ii. 21. (143) Dion. Hal. vii. 64.

(144) See Dion. Hal. iv. 15; and above, vol. i. p. 487. Compare Becker, ii. 1. p. 167. This number is made up of four city tribes and twenty-six country tribes.

(145) i. 43.

(146) See Becker, ii. 1, p. 168, who rejects Niebuhr's explanation.

(147) Livy says that in this year, three years after the burning of the city, four tribes of new citizens were added: 'eæque viginti quinque tribuum numerum explevere;' vi. 5. Niebuhr supposes that the district of *Septem pagi*, which is stated to have been voluntarily restored by Porsena to the Romans, (above, p. 21,) was only in fact recovered by them at the conclusion of the forty years' truce with the Veientes, in 474 B.C. Hist. vol. ii. p. 206.

obliterated; and it is reasonable to suppose that if the number of tribes was diminished on acccount of the loss of territory, the number would have been increased to its former complement as soon as the territory was recovered.(148)

The war of Porsena, though its details are variously reported by Dionysius, Livy, and the other historians, is uniformly described by them as terminating in a manner advantageous and honourable to Rome. There is every reason for believing that this account was derived from Fabius Pictor and the other early historians: out of what materials their narrative was constructed, we have no means of determining; but it probably stood on as firm a basis as the other accounts of the early period of the Republic. It seems unlikely that Tacitus (who cannot be supposed to have made any special researches into the primitive history) should have had access to information respecting the war of Porsena, which was unknown to Dionysius and Livy.(149) If the treaty cited by Pliny was an authentic monument, and if its

(148) Plutarch, in his Quæstiones Romanæ, c. 18, proposes the question: 'Why did many of the wealthy Romans pay a tithe of their property to Hercules?' Of this question he advances several conjectural solutions, in an interrogative form. First, he says, was it because Hercules, when he was at Rome, sacrificed a tenth part of the oxen of Geryones? (See above, vol. i. p. 289.) Next, he asks, was it because Hercules liberated the Romans from the tithe which they had paid to the Etruscans? Niebuhr, ib. p. 547, first assumes that the second solution rests on a positive fact, and he then proceeds to refer the tribute of the tenth to this period; the *Hercules* who emancipated the Romans, meaning, in this context, *their own prowess*. It seems far more probable however that Plutarch refers to some mythical story, like that of the oxen of Geryon; and with regard to the proposed interpretation of *Hercules*, it is sufficient to refer to the sound canon, laid down by Niebuhr himself in his Lectures: 'It is a very dangerous thing to seek for allegories in historical statements, and then to presume to derive from them historical facts;' vol. i. p. 55. Even however if the allegorical interpretation is admitted, the reference of the alleged fact to the war of Porsena is wholly gratuitous.

(149) Niebuhr seems to assume that some ancient annals once existed, which contained an account of the war with Porsena different from that given by Dionysius and Livy. 'The narrative (he says, of this war) which since the loss of the ancient annals, has chanced to acquire the character of a traditional history, relates,' &c.; vol. i. p. 541. Lower down however he assumes that the annalists fabricated certain portions of the narrative.' 'To account for this, the annalists devised certain predatory expeditions on the left bank; and then, to supply the dearth of action and do honour to their ancestors, they further invented a stratagem of the consuls, by which the Etruscans are drawn into a snare, and suffer considerable loss;'

contents are correctly described to us, we can only say, that not only the received account of the war of Porsena, but the subsequent course of the history, is wholly irreconcilable with its provisions.

The attack of Aruns Porsena upon the Latin town of Aricia, and its defence by the Cumans, are closely connected with the history of Aristodemus Malacus, whose expedition to Aricia is described by Dionysius as affording the means by which he made himself despot of Cumæ.(150) The expedition against Aricia is a link connecting Porsena's war against Rome with the adventures of Aristodemus: the Etruscans who escape from their defeat before Aricia, receive a hospitable asylum in the

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ib. p. 544 Niebuhr's conception of 'annals' seems to be fluctuating. See above, vol. i. p. 92—4.

The tomb of Porsena described by Varro, in Plin. N. H. xxxvi. 19, appears to have been a real structure, the dimensions of which are greatly exaggerated in Varro's description. See Müller's Etrusker, vol. ii. p. 224: Abeken, Mittelitalien, p. 244; Dennis, Cities and Cemeteries of Etruria, vol. ii. p. 385. Niebuhr, Hist. vol. i. p. 130, 551, Lect. vol. i. p. 115, considers the building as purely imaginary.

Niebuhr seems to treat the war of Porsena as historical in substance, as containing a nucleus of fact; but as fictitious and poetical in its incidents and details. 'Thus much we may assert (he says), that of this war, down to its end, not a single incident can pass for historical;' Hist. vol. i. p. 551. In his Lectures, he remarks: 'There may have been a historical Porsena, who became mythical, like the German Siegfried, who has been transferred to a period quite different from the true one; or, on the other hand, there may have been a mythical Porsena, who has been introduced into history; but we must deny the historical character of everything that is related about his war, which has an entirely poetical appearance;' vol. i. p. 116. He nevertheless regards the surrender of Rome to Porsena, the disarming of the people, the delivery of hostages, and the reduction in the number of tribes, as historical facts. In Hist. ib. p. 541, he says that 'it is a *palpable forgery* in Dionysius to make Octavius Mamilius and the Latins take part with him [Porsena]:' which assertion implies that Dionysius had before him some authentic narrative of true facts.

(150) See vii. 5-7. Dionysius says that the siege of Aricia took place twenty years after the archonship of Miltiades, in the 64th Olympiad: that is to say, twenty years after 524 B.C., which gives 504 B.C. as his date for this event. According to Fischer's tables, the consulship of Valerius and Lucretius, under which Dionysius places the war of Porsena, falls in 508 B.C. Dionysius describes the expedition of Aristodemus to Aricia, with great detail, as if he relied on some authentic witness. Plutarch however says that he was sent to assist the *Romans* against the Etruscans, who were attempting to restore Tarquin to the throne; De Mul. virt. vol. ii. p. 232, ed. Tauchnitz. This statement occurs in a long narrative relating to the history of Aristodemus, and cannot be fairly ascribed to confusion, or error of memory.

Roman territory, on account of the friendly relations then subsisting between the Romans and Porsena.(151) To this event the name of the *Vicus Tuscus* was referred; which was also derived from the settlement of Cæles Vibenna under the kings:(152) the topographical legend in this, as in other instances, fluctuating between different origins in events of remote history.

The defeat of the Etruscans before Aricia is considered by Niebuhr to be a historical event;(153) and he conjectures that their discomfiture by the Cuman power afforded the Romans, though disarmed, an opportunity of throwing off their Etruscan yoke, and to the hostages, with Clœlia at their head, the means of escape.(154) This hypothesis however is a mere guess; it is inconsistent with the accounts of the war which have been preserved from antiquity, and it cannot be received as historical.

The numerous and wide discrepancies between Dionysius and Livy in this part of the history have been already pointed out, and need not be here enlarged upon. The Sabine war, which Dionysius spreads over four years, and describes with minuteness, is in Livy contracted within very narrow dimensions. Both historians refer the arrival of Attus Clausus, the Sabine progenitor of the Claudian family, to this period.(155) But the accounts of the origin of this distinguished stock varied; some indeed traced it to a Clausus who fought against Æneas,(156) or to a

(151) Dionysius says that the Latin league sent ambassadors to Rome to complain that the Romans had assisted the Etruscans, the enemies of the Aricines, not only by giving a safe passage to their army through the Roman territory, but by furnishing them with supplies for war, and by harbouring the fugitives after their defeat; v. 61.

(152) Above, vol. i. p. 508.

(153) 'The defeat of the Etruscans before Aricia is unquestionably historical. The victory of the Cumans, which led Aristodemus to the sovereignty, was related in Greek annals;' Hist. ib. p. 550. To those who are not familiar with Niebuhr's historical style, it may be right to remark, that the latter assertion is merely a hypothesis.

(154) Hist. ib.; Lect. vol. i. p. 119.

(155) Above, § 6.

(156) Ecce, Sabinorum prisco de sanguine, magnum
Agmen agens Clausus, magnique ipse agminis instar.
Claudia nunc a quo diffunditur et tribus et gens
Per Latium, postquam in partem data Roma Sabinis.
Æn. vii. 706—9.

Silius, viii. 412, has 'Therapnæo a sanguine Clausi,' alluding to the supposed Lacedæmonian origin of the Sabines. Above, vol. i. p. 435.

Clausus who came to Rome at the suggestion of Titus Tatius, the colleague of Romulus ;(157) variations which prove that there was no certain knowledge on the subject. The first ovation is likewise referred to the Sabine war, but the origin of it is not consistently narrated.(158)

The long and detailed account of the creation of the office of dictator, and the appointment to it of T. Larcius, appears to belong to a class of fictions, of which we meet with many examples in the early Roman history, and which we may call *institutional legends.* The whole narrative of Dionysius is plainly a political drama, invented to explain the very peculiar institution of the Roman dictatorship : the officer being supreme and absolute, though for a limited time, the Senate being judges of the necessity of the appointment, and the appointment being by one of the consuls. The circumstance for which this narrative is chiefly intended to account, is the appointment of so important an officer by a single consul.(159) We learn however from Livy that there was no uniform or well-authenticated report of the origin of the dictatorship in the early historians ; and that the causes which led to the creation of the office, the name of the first dictator, and the grounds for his selection, were variously related, and therefore uncertain.(160)

The office of dictator, as it existed in the first three centuries of the Republic, is a peculiarity of the Roman state, and probably contributed greatly to reconcile its military and aggressive character with the maintenance of its free institutions. Rome,

(157) Patricia gens Claudia orta est ex Regillis, oppido Sabinorum. Inde Romam, recens conditam, cum magnâ clientum manu commigravit, auctore Tito Tatio, consorte Romuli; vel, quod magis constat, Attâ Claudio, gentis principe, post reges exactos sexto fere anno, a patribus in patricias coöptata ; Suet. Tib. i.

(158) Above, p. 22.

(159) See Becker, ii. 2, p. 155—60. Becker, ib. p. 153, n., considers the senatus-consultum mentioned by Dionysius as entirely his own fabrication. Niebuhr's account of the mode of appointing the dictator is more than usually conjectural, and departs quite arbitrarily from the ancient testimonies, in favour of a hypothesis devised by himself; Hist. vol. i. p. 566—9. See Dr. Smith's article in the Classical Museum, vol. i. p. 379; and Becker, ib. p. 155, n. 345.

(160) See above, p. 27, n. 93.

by her warlike policy, was perpetually exposing herself to serious reverses, to vindictive attacks, and to formidable combinations of injured neighbours: she was frequently staking all her fortunes on the cast of a single die. In order to give her the best chance of success at critical emergencies of this kind,(161) it was desirable that all the national forces should be collected and wielded by a single strong hand: without a dictator, she would probably have succumbed to a powerful foe in some moment of weakness. The danger of such an appointment consisted in the fear lest the dictator should convert his temporary into a perpetual office, should refuse to lay down his authority at the expiration of his appointed term, and should constitute himself a despot. The sense of public duty, and the force of constitutional opinion, and respect for the laws, sufficed in Rome to save the Republic from this danger, until the times when the existence of large standing armies, and the vast acquisitions of territory, had disorganized the ancient system of government.(162) The name *dictator* is evidently the active substantive from *dicto*, and alludes to the peremptory power of the office:(163) it was probably

(161) Thus Appian, B.C., i. 3, says that the dictator was appointed ἐπὶ ταῖς φοβερωτάταις χρείαις. Other passages which assign this character to the dictatorship are collected by Becker, ib. p. 154. Polybius, iii. 87, calls the dictator an αὐτοκράτωρ στρατηγός; making the military character of the office its prominent feature. Plutarch, Camill. 18, speaking of the conduct of the Romans before the Battle of the Allia, says: καίτοι πρότερόν γε καὶ πρὸς ἐλάττονας ἀγῶνας εἵλοντο πολλάκις μονάρχους, οὓς δικτάτωρας καλοῦσιν, οὐκ ἀγνοοῦντες ὅσον ἐστὶν εἰς ἐπισφαλῆ καιρὸν ὄφελος μιᾷ χρωμένους γνώμῃ πρὸς ἀνυπεύθυνον ἀρχὴν ἐν χερσὶ τὴν δίκην ἔχουσαν εὐτακτεῖν. Volumnius is described by Livy, x. 21, as pointing out to an assembly of the people, in 296 B.C., the necessity of taking effective measures against a dangerous confederacy of Etruscans, Samnites, Umbrians, and Gauls, and as declaring that if they are not prepared to elect the best general as consul, he will himself instantly name a dictator.

(162) On the advantages of the Roman institution of a dictator, see Machiavel, Disc. i. 34, and on the difference between the dictatorship and the decemvirate, ib. 35.

(163) See Becker, ib. p. 161-2. The Greek word δικτάτωρ, being borrowed from the Latin, and not like ὕπατοι for consuls, translated, makes δικτάτωρος, like the Latin, not δικτάτορος, according to the Greek analogy, in the genitive case. The word δικτατωρεύω is used by Dio Cass. xliii. 1, and the word δικτατωρεία, for *dictatura*, by Dion. Hal. vi. 22. The dictator was sometimes called *magister populi*, and this title was assigned to him in the sacred books, Cic. Rep. i. 40, and other passages

an institution not peculiar to Rome, but common to other of the hardy military republics of Latium and Southern Italy.(164) The appointment by the single consul was doubtless owing, not to the accidental cause mentioned by Dionysius, but to the military character of the office, and to the necessity of a sudden and uncontrolled choice for meeting an unforeseen danger. It is by no means improbable that the mode of appointment may have varied in early times: but all the accounts which have descended to us describe the appointment as made by a single consul or consular tribune. That a dictator appointed for formal and ceremonial purposes(165) should have abdicated as soon as his special functions were performed, is not extraordinary; but that so many dictators should have spontaneously laid down absolute power, even at the moment of victory, and often before their term of office was expired, is a remarkable proof of the empire of law over the minds of the Romans, and of their fixed constitutional habits, even in early times.(166) If the Athenians

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in Becker, ib. p. 163. Becker considers this to have been the original name of the office. Licinius Macer however conceived the officer to have been named dictator from the beginning; Dion. Hal. v. 74.

(164) A dictator of the Latins was mentioned by Cato, Krause, p. 106. Macer supposed the Romans to have borrowed the name of the office from the Albans. The king elected in war by the magistrates among the Lucanians bore a close resemblance to the Roman dictator, both in the character of the office and the mode of election: Strabo, vi. 2, § 13.

(165) Concerning the dictators of this class, see Becker, ib. p. 175.

(166) Dr. Arnold, Hist. of Rome, vol. i. p. 143, appears to me to be mistaken in supposing that the dictator was 'liable, like the consuls, to be arraigned, *after the expiration of his office*, for any acts of tyranny which he might have committed during its continuance.' The power of the dictator was originally absolute, and not subject to appeal; and such, (notwithstanding the passage of Festus, optima lex, p. 198,) it probably always remained (see Becker, ib. p. 166—70). Considering the shortness of the term of office, this irresponsibility would have been nugatory, if it had not been continuous. The security to the public was derived from the limited duration of the office; not from any subsequent legal remedy against the officer. Dionysius speaks of the dictator as *αὐτοκράτορι καὶ ἀνυπευθύνῳ χρώμενος ἐξουσίᾳ*, vii. 56. Coriolanus is indeed described by Dionysius as having been made *στρατηγὸς αὐτοκράτωρ* of the Volscians, viii. 11, which corresponds to the Roman dictator. When Tullus Attius wishes afterwards to accuse Coriolanus before a Volscian assembly, he calls upon him to resign his office and render an account of his generalship: *ἐκέλευε τ' ἀποθέμενον αὐτὸν τὴν ἀρχὴν λόγον ὑπέχειν τῆς στρατηγίας*; viii. 57. These words imply that the abdication of the office is a condition precedent to rendering an account; but the whole narrative is probably fictitious.

had reposed sufficient confidence in any of their leading statesmen or generals, to induce them to invest him with dictatorial power at periods of national danger, it is possible that they might have maintained their Republic, first against Lacedæmon, and afterwards against Philip, and that this bright luminary of Greece might thus have been preserved for a longer time from extinction. The first dictator, Larcius, is described by Dionysius as behaving with remarkable moderation, as abstaining from all stretches of power, and as resigning his office before the six months had expired:(167) thus serving as an ideal type of the conduct of subsequent dictators, who lived in an age of contemporary registration, and of whom authentic historical accounts were preserved.

The battle of the Lake Regillus, with its personal combats of the chieftains, and the marvellous appearance of the twin sons of Jupiter, resembles rather a battle in the *Iliad*, or in the romances of chivalry, than a conflict between two armies, on which great political interests depend. This character is well displayed in Mr. Macaulay's ballad on this subject, where the incident of the divine brethren, in particular, is introduced with great poetical effect. In memory of this event, the mark of a horse's foot, supposed to be that of Castor's horse, was shown, in later times, on the rock near Regillus.(168) Small circular marks on the sandstone, in parts of Herefordshire, are now called the prints of St. Elizabeth's horse, with an explanatory legend; and Grimm mentions similar geological legends of marks upon rocks.(169) The belief as to the appearance of Castor and Pollux at battles is doubtless of Grecian origin: thus they are said to have enabled the Locrians to conquer the Crotoniats in a great battle, and the news of the victory reached Lacedæmon on the same day.(170) The story of the twin gods bringing the news of

(167) Compare the interesting remarks of Dionysius, v. 77, upon the constitutional character of the Roman dictatorship.

(168) Cic. de Nat. D. iii. 5.

(169) Deutsche Mythologie, p. 574, ed. 1.; above, vol. i. p. 350, n. 215.

(170) See Zenob. ii. 17, and the note in the Göttingen edition. Another version of the story is given in Strabo, vi. 1, § 10, where Locri and Rhe-

the victory on the same day to Rome, and washing their horses at the fountain of Juturna, was likewise told of the battle of Pydna, at which Perseus was defeated by P. Æmilius;(171) and the intelligence of the great victory of Marius over the Cimbri at the Campus Raudius, near Verona, is also reported to have been divulged at Rome by the same divine informants.(172) These two battles are as historical, and as certainly took place, as the battles of Pavia, Blenheim, and Austerlitz. The connexion of the marvellous story of Castor and Pollux with the battle of Regillus does not therefore prove that the battle itself is a fiction; the intrusion of marvellous incidents does not discredit the main story, where it rests upon clear contemporary evidence.(173)

Livy represents Tarquinius Superbus as having fought at Regillus; and this, although Dionysius substitutes his sons Titus and Sextus for him, was doubtless the received account. Both historians however describe him as flying to Cumæ for refuge after the battle, and dying there, shortly after-

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gium (and not Croton) are the two contending states, and the news is carried to Olympia; not Lacedæmon. The story is told in explanation of the proverb, ἀληθέστερα τῶν ἐπὶ Σάγρᾳ, and has no claim to be considered historical. For a story of two Messenians named Gonippus and Panormus, who simulated the twin gods, see Pausan. iv. 27, § 1.

(171) Cic. N. D. ii. 2; Florus, ii. 12; Val. Max. i. 8, § 1; Plin. N. H. vii. 22. The true account of the arrival at Rome of the news of the battle of Pydna, is given in Livy, xlv. 1, and (from him) by Plut. Æmil. Paull. 24.

(172) Florus, iii. 3; Plin. ib.

(173) Niebuhr says of the Battle of Regillus: 'This battle, as thrust into history, stands without the slightest result or connexion. The victory is complete: yet, after several years of inaction, a federal treaty sets its seal to the perfect independence and equality of the Latins; the very point to decide which the battle was fought;' Hist. vol. i. p. 556. The battle of Regillus is represented both by Dionysius and Livy, as fought for the purpose of restoring Tarquin to his throne, and of forcing him back upon the Romans. Dionysius calls the war against the Latins ὁ τυραννικὸς πόλεμος—ὁ πρὸς τοὺς τυράννους συστὰς πόλεμος; v. 70, vi. 17, 21. One important result of the battle is conceived to be, that this attempt is frustrated, and that Tarquin is driven into exile at Cumæ, where he dies. The Latins are likewise described by Dionysius as sending envoys to Rome, in order to beg to be restored to their condition of subjects. See above, p. 32. There is no difficulty in connecting the Battle of Regillus with the received narrative; but it cannot be reconciled with the account of the treaty with Porsena in Pliny.

wards, under the protection of Aristodemus the despot. They only differ by one year as to the time of this event, placing it either in 496 or 495 B.C., about fourteen years after the expulsion of the kings. If however we suppose him, according to the ordinary account, to have been the son of Tarquinius Priscus and Tanaquil, he would have been at least 110 years old at the time of his death: an age improbable in itself and quite inconsistent with the received accounts of his life.(174) The death of Tarquin at Cumæ is considered by Niebuhr as a certain historical fact; and we shall find the presence of members of the Tarquinian party in that city alluded to in the subsequent history. Even however with respect to this event, the accounts were not uniform; for some histories represented him as ending his days with his wife at Tusculum.(175)

§ 14 The foregoing analysis shows that the received history of the first fourteen years of the commonwealth has, like that of the regal period, a legendary character; and that the details and circumstances of the events are variously narrated, and appear to have been derived from an uncertain and fluctuating tradition. Still it might be possible that the main facts should rest on authentic contemporary registration: the nucleus of the history might be sound, though it might be invested with a fictitious covering. In order to determine how far there is any trace of the existence of a uniform series of events which, though meagre and scanty, might have served as a sure support to the oral traditions, we will place in juxtaposition the principal occurrences, as they are arranged under the successive consulships by Dionysius and Livy, from the first to the fourteenth year of the Republic:—

(174) See above, ch. xi. § 25, 38. In vi. 11, Dionysius says that Tarquinius Superbus must have been 90 years old at the battle of Regillus; this supposes him to be the *grandson* of Tarquinius Priscus; but if he is assumed to be the *son*, and to have been 27 years old at his father's death, he would have been born in 606 B.C., and would have been 110 years old in 496 B.C. Compare Dion. Hal. iv. 7. Niebuhr, Hist. vol. i. n. 1229, reckons his age at 120 years.

(175) Eutrop. i. 11. Above, p. 21, n. 70.

DIONYSIUS.	LIVY.
1. *Brutus and Collatinus.*	1. *Brutus and Collatinus.*
Brutus procures a decree of perpetual banishment against the Tarquins.	Oath against the kings. The Senate filled up. Unpopularity of Collatinus—he abdicates his consulship. Valerius succeeds.
Conspiracy. Execution of the sons of Brutus. Accusation of the other conspirators.	Conspiracy to bring back the Tarquins.
Collatinus is suspected and abdicates. Valerius succeeds.	The envoys from Tarquin arrive. Conspiracy discovered—and conspirators punished.
Battle with the Etruscans. Deaths of Brutus and Aruns Tarquin.	Battle with the Etruscans. Deaths of Brutus and Aruns Tarquin.
Suspicions of Valerius. Sp. Lucretius and M. Horatius succeed Brutus.	Suspicions of Valerius. Sp. Lucretius and M. Horatius succeed Brutus.
	Dedication of the Capitoline temple.
2. *P. Valerius and T. Lucretius.*	2. *P. Valerius and T. Lucretius.*
A census.	War with Porsena.
Nothing memorable in this year.	Battle of the Etruscans against the Aricines and Cumans.
	Tuscus Vicus founded.
3. *P. Valerius and M. Horatius.*	3. *P. Lucretius and P. Valerius.*
War with Porsena, and peace concluded.	Peace made with Porsena.
Dedication of the Capitoline temple.	Tarquin goes to Tusculum.
4. *Sp. Larcius and T. Herminius.*	[These consuls do not occur in Livy.]
The Romans are engaged in no war.	
Battle between the Etruscans and Aricines.	
5. *M. Valerius and P. Postumius.*	4. *M. Valerius and P. Postumius.*
Sabine war, first year. (176)	Sabine war.
6. *P. Valerius and T. Lucretius.*	5. *P. Valerius and T. Lucretius.*
Sabine war, second year.	
Attus Clausus comes to Rome.	Attus Clausus comes to Rome.
Fidenæ is taken.	

(176) Zonaras, vii. 13, agrees with Dionysius in making the Sabine war extend over this and the three following years. He likewise mentions the two conspiracies in the two years next ensuing. He differs however from both Dionysius and Livy, in placing the death of P. Valerius in the year of P. Valerius and T. Lucretius, and not in the following year.

DIONYSIUS.	LIVY.
7. *Agrippa Menenius and P. Postumius.*	6. *Agr. Menenius and P. Postumius.*
Sabine war, third year. Death of P. Valerius.	Death of P. Valerius. Pometia and Cora revolt. War with the Aurunci.
8. *Sp. Cassius and Op. Virginius.*	7. *Op. Virginius and Sp. Cassius.*
Sabine war, fourth year. Cameria is taken.	Pometia is taken.
9. *P. Cominius and T. Larcius.* (177)	8. *P. Cominius and T. Larcius.*
Revolt of the Latin cities. Federal assembly at Ferentina. The Aricines, Fidenates, and Camerines urge the Latins against the Romans. War is voted against Rome. Conspiracy of slaves at Rome detected and punished.	Dispute with the Sabines. Fear of Sabine and Latin war. First dictator created—probably T. Larcius.
10. *S. Sulpicius and M'. Tullius.*	9. *S. Sulpicius and M'. Tullius.*
Fidenæ revolts. It is besieged. Conspiracy at Rome (178)	Nothing memorable in this year.
11. *P. Veturius and P. Æbutius.*	10. *P. Æbutius and P. Veturius.*
Siege of Fidenæ continued. Sextus Tarquin attacks Signia.	Siege of Fidenæ. Capture of Crustumeria. Revolt of Prænestè to Rome. Battle of Regillus—Postumius is previously created dictator.

(177) M. de la Curne, Mém. de l'Acad. des Inscriptions et Belles Lettres, tom. viii. p. 363—71, attempts to reconcile the histories of Dionysius and Livy for the six years, beginning with the consulship of Cominius and Larcius, and ending with that of Postumius and Virginius, 501—496 B.C. In order to accomplish this object he transposes the order of the events narrated under the first three and the last three consulships in Livy, and conceives that by this transposition he makes the narrative of Livy agree with that of Dionysius. He says: 'Lorsque j'ai voulu comparer ensemble ce que Denys d'Halicarnasse et Tite Live ont dit de ces consulats, j'ai trouvé d'abord ces auteurs si différents l'un de l'autre, qu'il m'a paru impossible de les concilier.' It is scarcely needful to remark that this harmonizing process is purely arbitrary, and amounts to a confession that the two historians cannot be reconciled.

(178) A peculiar circumstance is mentioned by Dionysius under this year, which has all the appearance of having been preserved by contemporary registration. 'Manius Tullius (he says), one of the consuls, in the holy Roman games, during the procession, fell from the sacred chariot in the circus, and died on the third day after the procession. Sulpicius was sole consul during the short remaining portion of the year;' v. 57. It is difficult to conceive why such a circumstance as this should be mentioned if it had not been preserved from an authentic record made at the time.

DIONYSIUS.	LIVY.
12. *T. Larcius and Q. Clœlius.*	11. *Q. Clœlius and T. Larcius.*
Fidenæ is taken. The Latins hold a federal assembly and send ambassadors to Rome. The Romans refuse redress and declare war. T. Larcius is appointed dictator. He prepares for war; but a truce for a year is made with the Latin cities (v. 76). Larcius abdicates.	No event in this year.
13. *A. Sempronius and M. Minucius.*	12. *A. Sempronius and M. Minucius.*
The Latin truce continues (vi. 1). Measure respecting mixed marriages of Romans and Latins. Dedication of the temple of Saturn.	Dedication of the temple of Saturn.
14. *A. Postumius and T. Virginius.*	13. *A. Postumius and T. Virginius.*
The year's truce with the Latins expires (vi. 2). Postumius is made dictator. Battle of Regillus. Latin embassy. Treaty with the Latins renewed. Tarquin flies to Cumæ, and dies there in a few days. The war against the Tarquins is concluded 14 years after their expulsion (vi. 21).	[Battle of Regillus, according to some authorities].
	14. *Appius Claudius and P. Servilius.*
	Death of Tarquin at Cumæ.

On comparing the preceding summaries of the accounts of Dionysius and Livy, for this period of fourteen years, it will be perceived that, although there is in some respect a close agreement, the discrepancies are too wide, too numerous, and too fundamental to admit of the supposition that there was in existence a brief annalistic series of events, derived from authentic registration, and recognised as true by all historians. Even the lists of consuls do not altogether agree: for Larcius and Herminius, the consuls for the fourth year in Dionysius, are wanting in

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On the other hand, it is difficult to reconcile the preservation of an authentic record of so trivial a fact with the total uncertainty of the date of an event so important as the battle of Regillus.

Livy; and in the third year Livy has P. Lucretius, while Dionysius has M. Horatius. In the principal events there is an approximation to an agreement; but in the arrangement under years there is the widest variance; and it is impossible to suppose that the chronological Fasti which each historian followed, could have been derived from a common source, or could have been founded upon a record which assigned each battle, or war, or siege, or other leading event, to its proper consuls. Not only is there great discrepancy between the two historians, but each historian is not always consistent with himself: thus Dionysius states that a truce is made with the Latins for a year, in the consulship of Larcius and Cloelius—and yet he represents it as expiring in the second year afterwards. Livy, in stating the discordance of the testimonies respecting the year of the battle of Regillus, plainly avows the confusion of the authorities to be such as to render any certain chronological arrangement of events, for the early part of the Republic, impossible.(179)

The synchronism of Roman with Greek history is carefully marked by Dionysius, who from time to time states the name of the corresponding Athenian archon. Our most ancient comparison is furnished by Polybius, who states that the first year of the Republic was twenty-eight years before the crossing of Xerxes into Europe: that is 28 + 480 = 508 B.C.(180) According to Dionysius, the Tarquins were expelled in the year of Isagoras,(181)

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(179) Tanti errores implicant temporum, aliter apud alios ordinatis magistratibus, ut nec, qui consules secundum quosdam, nec quid quoque anno actum sit, in tantâ vetustate non rerum modo, sed etiam auctorum, digerere possis; ii. 21. This passage describes the confusion which is caused by the want of a careful contemporary registration of public facts: but it is not the antiquity of the historians which is in fault; if the historians had been as ancient as the events, Livy would have had no reason to complain.

(180) iii. 22. Dionysius, ix. 1, says that the archonship of Calliades, in Olymp. 75, at the time of the expedition of Xerxes against Greece, corresponded with the consulship of K. Fabius and Sp. Furius, which he makes the 29th from the expulsion of the kings. Polybius and Dionysius therefore agree. Diodorus however follows a different calculation, for he makes the expedition of Xerxes contemporary with the consulship of Sp. Cassius and Proculus Virginius, xi. 1, which is seven years earlier=486 B.C.

(181) v. 1.

508 B.C.; and Brutus was killed seventeen years before the battle of Marathon;([182]) that is, 17 + 490 = 507 B.C., so that the dates of Polybius and Dionysius only differ by a year.

§ 15 The death of Tarquin, and the final extinction of the hopes of the Tarquinian faction, constitute an epoch in the early history of the Republic. Both Livy and Dionysius agree in dating the commencement of the active conflicts between the patricians and plebeians from that period: as soon as the common fear of the expelled despot and his allies is removed, the internal dissensions break out. According to Dionysius, the immediate occasion of their outbreak is the reopening of the courts for the recovery of debts, whose jurisdiction had been suspended during the late war.([183])

The events referred to the year of the next consuls, Appius Claudius and P. Servilius, are numerous; they are characteristic of the internal state and external policy of Rome, as represented to us at this period; and they are related in detail by both our historians. The account of this year may serve to exemplify the period upon which we are now entering. The events have nothing marvellous: they are not wanting in probability or internal coherence. The narratives of the two historians agree in most of the main facts, and sometimes in details; but they sometimes differ altogether even in material points: they are too full of circumstances and details, and they depart too much at certain intervals from one another, to bear the appearance of being both derived from a dry annalistic record made at the time; and again, they have too business-like and simple an air for legendary stories handed down by popular tradition. It may be added, that although their character is thoroughly prosaic, they stand in immediate juxtaposition with the battle of Regillus, which has been selected for reproduction in a poetical form, on account of its imaginative and unreal character.

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(182) v. 17. Compare Dodwell's 'Chronologia Græco-Romana pro Hypothesibus Dionysii Halicarnassei,' reprinted in the fourth volume of Reiske's edition.

(183) Livy, ii. 21; Dion. Hal. vi. 22; cf. v. 69. Above, p. 25.

A Volscian war is described as imminent; but there is a difficulty in obtaining levies, as the plebeians refuse to serve, unless they are relieved from their load of debt, and from the severe law which enables the creditor to seize the body of his insolvent debtor, and to use him as a slave. The patricians appear here, for the first time, as promoters of a policy which is systematically attributed to them in the subsequent history; this is, to engage the state in war,(184) for the purpose of putting an end to intestine discord, and of delaying the satisfaction of the demands made by the plebeians. Hence, in the early portion of the Roman history, the patricians are described in general as the war-party; while the plebeians are described as desirous of peace, and as complaining that the evils of warfare fall principally upon their order. It has been assumed, though without sufficient grounds, that in the Greek republics the democratical party was always inclined to war, and the oligarchical party to peace.(185) It has likewise been often affirmed in modern times, that there is some natural and inherent tendency in democracy, more than in other forms of government, to war. Whatever opinion may be formed as to the credibility of individual facts

(184) Postumius *καλὸν ὑπεκδῦναι πολέμῳ βαρεῖ τοὺς πολιτικοὺς χειμῶνας ἔγνω*; Dion. Hal. vi. 22. The consuls of the next year *εἶδον ὀρθῶς ὅτι δεῖ περισπᾶν τὸν ἔντος τείχους θόρυβον ἐπὶ τοὺς ἔξω πολέμους*; ib. 23. Respecting this policy, see Plut. Cam. 9.

(185) The following remarks are made by Mr. Grote, upon the conduct of Athenagoras, the popular orator at Syracuse, at the time of the Athenian expedition to Sicily: 'We observe here, that Athenagoras, far from being inclined to push the city into war, is averse to it even beyond reasonable limit; and denounces it as the interested policy of the oligarchical party. This may shew how little it was any constant interest or policy on the part of the persons called Demagogues, to involve their city in unnecessary wars: a charge which had been frequently advanced against them, *because it so happens, that Cleon, in the first half of the Peloponnesian war, discountenanced the propositions of peace between Athens and Sparta.* We see by the harangue of Athenagoras, that the oligarchical party were the usual promoters of war: a fact which we should naturally expect, seeing that the rich and great, in most communities, have accounted the pursuit of military glory more conformable to their dignity than any other career;' Hist. of Greece, vol. vii. p. 237. Compare p. 250, note. The common sophism, of inferring constant tendencies in forms of government from single undissected instances, is here exemplified. It may be added that the patrician party at Rome were not inclined to war from the motive pointed out by Mr. Grote, at the end of the passage.

in the early Roman history, it cannot be doubted that the predominant policy and feelings of the patrician and plebeian bodies, with respect to war, were such as have been above described: and from this example we may learn the danger of making universal assertions as to the tendency of particular political forms to produce a love of war, and may perceive on how narrow a basis they stand.

Upon the refusal of the plebeians to serve,(186) Servilius, desirous of conciliating the plebeians, recommends a remission or reduction of their debts; whereas Appius, with the uncompromising patrician spirit characteristic of the Claudian family, advises that the creditors should be permitted to exact their debts in full. The measure which Servilius is described as favouring, resembles the Seisachtheia of Solon, by which the poverty of the insolvent Athenians was relieved.(187) It is, as if the mortgages on the estates of Irish landowners, or the arrears of rent due by Irish tenants, were remitted or reduced by Act of Parliament.

The consuls cannot agree, and Servilius collects an army of volunteers, with which he marches against the Volscians; his arrival is so little expected, that he is able to levy war-contributions upon them, and to carry off 300 hostages from the most illustrious houses. As soon however as the Roman army has retired, the Volscians, with the assistance of the Hernici and Sabines, but regardless of their 300 hostages, prepare for war: they send ambassadors to the Latins to ask for aid; but the Latins, contrary to the rules of international law, seize the ambassadors, and deliver them up to the Romans; they likewise offer a contingent of auxiliary troops to Rome; the Romans, grateful for these friendly acts, liberate 6000 Latin prisoners, but decline the offer of assistance from the Latins.(188)

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(186) Livy says nothing of the refusal to serve on this occasion; ii. 22. He introduces it for the first time in a subsequent part of the war; c. 24.

(187) See Plut. Solon. 15, 17; Grote, Hist. of Gr. vol. iii. p. 127-34.

(188) Dionysius, vi. 25, and Livy, ii. 22, agree very closely in these facts: they both mention the 300 hostages and the 6000 Latin prisoners. Livy particularly dwells on the close union between Rome and Latium at this moment: 'Nunquam alias ante publice privatimque Latinum nomen Ro-

At this point, the striking incident of the aged centurion is introduced by both historians. He had contracted a loan in order to pay his war-taxes; his lands had been ravaged by the enemy—his property in the city had been swallowed up by the scarcity; he had been unable to discharge the principal and interest, his body had been seized, and he had been made a slave by his merciless creditor; with this story, he presented himself to the Senate, and showed his bleeding back, in proof of his master's cruelty.(189) Hereupon a tumult ensues, and the insolvent debtors are liberated from their slavery by the people: the consuls still differ; when the approach of the Volscian army is announced by some Latin horsemen.(190) The patricians arm; but the plebeians refuse to move, saying that it is better to be under the yoke of the Volscians, than to endure the ill-usage of the patricians.(191) Servilius being appealed to by the Senate, now interferes, and promises protection against creditors to every plebeian who serves in his legions. Upon this assurance the poor enlist, and Servilius leads his army to the Pomentine plain, where he defeats the Volscians, and takes their camp. He then advances to Suessa Pometia, captures the town, and puts to death all the men of military age. He divides the plunder of

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mano imperio conjunctius fuit.' According to Livy's own account, only four years had elapsed since the battle of Regillus.

(189) There is (as Niebuhr justly remarks, Hist. vol. i. n. 1324) a close resemblance between this story and the story of the old centurion released from his servitude by Manlius, in Livy, vi. 14.

(190) Both historians mention this minute circumstance.

(191) πολλοὶ δὲ καὶ λέγειν ἐτόλμων, ὡς ἄμεινον εἴη Οὐολούσκοις δουλεύειν μᾶλλον ἢ τὰς ὕβρεις τῶν πατρικίων ὑπομένειν; Dion. Hal. vi. 27. Fremebant se, foris pro libertate et imperio dimicantes, domi a civibus captos et oppressos esse; tutioremque in bello quam in pace, inter hostes quam inter cives, libertatem plebis esse; Livy, ii. 23. See also, in Dionysius, ib., the statement that the patricians armed, but not the plebeians. Also, Livy, ii. 24: 'Patres militarent, patres arma caperent, ut penes eosdem pericula belli, penes quos præmia essent.' This is described, by both historians, as something contrary to the ordinary state of things: nevertheless we are told that the Servian constitution imposed the chief burden of military service upon the rich, on the very ground that they had the largest interest in the state—and that the Servian constitution was restored after the expulsion of Tarquin. See Dion. Hal. iv. 19: ἐποίει δὲ τούτων ἕκαστον οὐκ ἄτερ αἰτίας, ἀλλὰ πεπεισμένος ὅτι πᾶσιν ἀνθρώποις ἆθλα τῶν πολέμων ἐστὶ τὰ χρήματα, καὶ περὶ τῆς τούτων φυλακῆς ἅπαντες κακοπαθοῦσιν, ὀρθῶς ἔχειν ᾤετο τοὺς μὲν περὶ μειζόνων κινδυνεύοντας ἆθλων, μείζονας ὑπομένειν κακοπαθείας τοῖς τε σώμασι καὶ τοῖς χρήμασι.

the camp and town among his soldiers. At this point our two historians part company for a short time: for Dionysius describes Appius Claudius as beheading the 300 Volscian hostages, and as opposing the triumph of Servilius, on the ground that he had divided the plunder among the soldiers. Servilius however triumphs, in spite of the refusal of the Senate. Livy does not account for the hostages, and says nothing about the triumph of Servilius.(192)

The next event is the alarm of a Sabine invasion; the news of which arrived at night, according to Livy; and while the Romans were engaged at their games, according to Dionysius. An army is instantly sent out, and they are repulsed: after which ambassadors come from the Aurunci, requiring the Romans to cede a portion of the Volscian territory which they had taken and colonized. The Romans refuse compliance; and Servilius leads an army against the Aurunci. A battle takes place near Aricia, and the Aurunci are defeated.(193) At this point the narrative of Dionysius for this consulship terminates: Livy, however, inserts a supplement peculiar to himself. He states that Appius proceeded to exercise jurisdiction in questions of debt, contrary to the engagement of his colleague.(194) The citizens who had served in the army of Servilius, in consequence of his assurances, fly to him for protection; but he hesitates, and takes no decided course. Hence, having forfeited the good opinion of the patricians by his popular leaning, he now loses the confidence of the plebeians by his weakness at the moment of trial, and he thus displeases both parties. A dispute arises

(192) Dion. Hal. vi. 25-30; Livy, ii. 22-5.

(193) Livy, ii. 25, mentions that the Romans had deprived the Volsci Ecetrani of their territory. Dionysius states that the interference was in behalf of these Ecetrani. See Dion. Hal. vi. 31-3; Livy, ii. 26. Concerning the history and probable position of the Volscian city of Ecetra, see Mr. Bunbury's art. *Ecetra*, in Dr. Smith's Dict. of Ancient Geography.

(194) The resumption of jurisdiction, in Dion. Hal. vi. 22, is *prior* to the edict of Servilius, that those who serve against the Volscians shall be protected from their creditors; ib. c. 29. This edict is described by Livy, ii. 24; Ne quis civem Romanum, &c.; and the exercise of jurisdiction by Appius is *subsequent* to the edict; Livy, ii. 27.

which consul should dedicate a temple of Mercury.(195) The Senate refer the decision to the people; and the people, in order to mark their displeasure at the conduct of both consuls, confer the honour upon a certain M. Lætorius, the first centurion of a legion. The exercise of the jurisdiction for the recovery of debts by Appius gives rise to further tumults; there is again an alarm of a Sabine invasion, and the plebeians refuse to serve. At last, in the midst of confusion and disorder, the consuls, both hated by the plebeians, go out of office.(196) With this latter account, there is nothing in Dionysius to correspond: he says nothing of a breach of faith on the part of Appius, of a dedication of a temple of Mercury, of M. Lætorius, of a second alarm of a Sabine war, or of the unpopularity of Servilius. His subsequent narrative, indeed, shows that he conceives the promise given by Servilius to have remained unperformed by the Senate;(197) but he makes no mention of the subject in this place, and he describes Servilius as quitting his office in the full enjoyment of his popularity, though without attempting to obtain the promised concession from the Senate. What renders this divergence the more remarkable is, that Dionysius is in general much fuller than Livy; and that it is more difficult to account for the omission in Dionysius of circumstances mentioned in Livy, than to account for the omission in Livy of circumstances mentioned in Dionysius. This peculiar insertion in Livy, however, is not

(195) Livy seems to forget that he had already mentioned the dedication of the temple of Mercury: 'Ædes Mercurii dedicata est idibus Maiis;' c. 21.

(196) Livy, ii. 27.

(197) In c. 42, he says, that when Manius Valerius made to the people the same promise as Servilius, *πᾶς ὁ δῆμος ἀσμένως ἀκούσας, ὡς οὐδὲν ἔτι φενακισθησόμενος ὑπέσχετο συνάρασθαι τοῦ πολέμου*, where the word *ἔτι* implies a previous deceit. In c. 76, L. Junius Brutus, the spokesman of the seceding plebeians, distinctly asserts, in addressing the patrician envoys, that the Senate had broken the promise of Servilius. *διεψεύσασθε μέν γε καὶ τὰς ὑποσχέσεις, ἃς ἐκελεύσατε τὸν ὕπατον* [Servilius] *ὑπὲρ τοῦ κοινοῦ ποιήσασθαι.* Here it is affirmed that the promise of Servilius was expressly authorized by the Senate. The exertions of Servilius in behalf of the people appear to be alluded to in the speech of Manius Valerius; 58: *ἐπειδὴ οὔτε ὑπάτῳ οὔτε δικτάτωρι κήδεσθαι αὐτῶν βουλομένοις ἐξεγένετο.*

merely additional to the account of Dionysius, but is inconsistent with it.

§ 16 The following year—being the consulship of Virginius and Veturius—is one of the turning points of Roman history, inasmuch as it contains the institution of the Tribunes of the people; and as the narratives both of Dionysius and Livy are copious, an examination and comparison of them ought to throw some light upon the character of the accounts which were received in the Augustan age, and have descended to our time, as the history of this period.

Both authors describe the prevalence of insolvency and the severity of the law of debt, as creating widespread discontent among the plebeians, and as giving rise to secret meetings among them, for the purpose of concerting their plan of operation against the patricians.(198) In this state of things, a Sabine invasion of the Roman territory is threatened; and the Latins and other subject states ask for assistance against incursions of the Volsci and Æqui. Dionysius likewise introduces an embassy from the Volsci, demanding restitution of the land taken from them; and he describes the Senate, upon the advice of T. Larcius, as rejecting the demand of the Volsci, and promising assistance to the Latins. Livy says that the petition of the Latins was either for succour from the Romans, or to be allowed to defend themselves; and that the former request was granted.(199) The latter request implies that the Latins were at this time, in consequence of the battle of Regillus, in a state of complete subjection to the Romans. The same historian likewise mentions

(198) Tum vero plebes, incerta quales habitura consules esset, cœtus nocturnos, pars Esquiliis, pars in Aventino, facere; ne in foro subitis trepidaret consiliis, et omnia temere ac fortuito ageret; Livy, ii. 28. *κατ' ὀλίγους δὲ συλλεγόμενοι, ὅρκοις ἀλλήλους κατελάμβανον ὑπὲρ τοῦ μηκέτι συνάρασθαι τοῖς πατρικίοις πολέμου μηδένος, καθ' ἕνα τε τῶν ἀπόρων κατισχόμενοι κοινῇ καὶ πρὸς τοὺς ἐντυγχάνοντας βοηθήσοντες*; Dion. Hal. vi. 34. In the next sentence he calls them *συνωμόται*.

(199) Oratores Latinorum a senatu petebant, ut aut mitterent subsidium, aut se ipsos tuendorum finium causâ capere arma sinerent. Tutius visum est, defendi inermes Latinos, quam pati retractare arma; Livy, ii. 30; cf. c. 22, ad fin. The formal league with the Latins is made in the following year.

several references of the consuls to the Senate, who are displeased at being consulted, and expect the consuls to act upon their own responsibility.(200) Nothing of this appears in the narrative of Dionysius; but both agree in their account of the final deliberation of the Senate upon the course to be taken with respect to the refusal of the plebeians to enlist until their demand for a remission of debts is conceded. According to this account, three opinions are propounded to the Senate. Virginius, the consul, advises that those persons, and those alone, who had served under Servilius in the preceding year, should be protected against their creditors. Larcius proposes, not a partial, but a general remission of debts. Appius Claudius, desirous of compelling the plebeians to serve, without making any concession to them, recommends the appointment of a dictator. The counsel of Appius is adopted, but is not carried into effect in the sense intended by him. The consuls select Manius Valerius, the brother of Publicola,(201) a man of popular dispositions, as the dictator. The new dictator issues an edict similar to that of Servilius; and as the people think that more reliance is to be placed in the assurances of so high an officer, belonging moreover to the Valerian family, than in those of the consul Servilius, ten legions are speedily enlisted.(202) Three armies are formed:—Veturius marches against the Æqui, Virginius against the Volsci, and the dictator himself against the

(200) Livy, ii. 28-9.

(201) Marcus Valerius, another brother of Publicola, is stated to have been consul in the fifth year of the Republic, and to have been killed at the battle of Regillus; Dion. Hal. vi. 12; Livy, ii. 20. Dionysius calls the dictator Manius, in which the Triumphal Fasti agree with him. Other writers call him Marcus; thus confounding him with the brother who is said to have been killed at Regillus: see Niebuhr, vol. i. n. 1328. In his speech, in Dion. Hal. vi. 44, Manius Valerius describes himself as above seventy years of age. Festus, p. 198, according to the emendation preferred by Müller, says that Manius Valerius was the first magister populi.

(202) Niebuhr, ib. n. 1129, considers this number to be a glaring exaggeration, because at the Allia the Romans had only four regular legions. Dionysius and Livy agree in it, as well as in the distribution of the three armies. Concerning the number of legions at the Allia, see Niebuhr, Hist. vol. ii. p. 538: but this example does not prove much, for Livy expressly says, that the legions which fought at the Allia were mere hasty levies: 'Velut tumultuario exercitu raptim ducto;' v. 37.

Sabines. All three expeditions are successful: the battle against the Sabines was the principal one since the battle of Regillus.(203) Upon his return, the dictator calls upon the Senate to give effect to the promise by which he had induced the plebeians to enlist, and had obtained the recent victories over the enemies of Rome. The Senate however refuse;(204) whereupon Valerius justifies himself to the people, by showing that he is not responsible for the deliberate breach of faith committed towards them, and abdicates his dictatorship.

Although the dictator's office was at an end, the legionaries were not released from their military oaths, which had been given to the consuls. The Senate, therefore, upon the rumour of a renewed advance of the Æqui, orders the armies into the field.(205) This measure of the Senate followed immediately upon the two breaches of faith committed by them towards the plebeian body—first in the case of Servilius, and afterwards in that of Valerius. The poorer citizens had been induced to enlist by promises, on the part of these two high magistrates, that an equitable adjustment of the private debts of the insolvent plebeians should be set on foot; and after they had returned from the field, and had fought the battles of the Republic, the Senate refused to fulfil these promises, though made with their

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(203) Post pugnam ad Regillum lacum non alia illis annis pugna clarior fuit; Livy, ii. 31.

(204) Namque Valerius...omnium actionum in senatu primam habuit pro victore populo, retulitque, quid nexis fieri placeret. Quæ quum rejecta relatio esset, &c.; Livy, ii. 31. Dion. Hal. vi. 43, gives the same account, attributing the rejection of the proposition to the *νέοι καὶ βίαιοι* in the Senate. Valerius, in Dion. Hal. ib. c. 44, appeals to the sending of colonists to the Volscian territory, as a popular act on his part: he divided the land, he says, not among the patricians, and the knights, but among the poor plebeians. He likewise speaks of having enrolled 400 plebeians among the knights. This latter measure is commented on as historical by Dr. Arnold, vol. i. p. 141. Plutarch, Cor. 5, describes Coriolanus as opposing the remission of debts after the promise of Valerius and before the secession.

(205) Livy, ii. 32; Dion. Hal. vi. 43, 45. In the latter chapter, Niebuhr's emendation (vol. i. n. 1331) of *τριῶν ταγμάτων* for *ἱερῶν ταγμάτων* is plausible: at the same time there is a difficulty in reconciling it with the language of Dionysius, in c. 42, where it is said that there were ten *στρατιωτικὰ τάγματα*, that each of the consuls took three, and the dictator four. In c. 45, at least *six* of the *τάγματα* seem to be signified. Compare Schweighæuser, Lex. Polyb. in *τάγμα*.

implied sanction. They therefore decide to resort to the extreme remedy used in the ancient republics by a political party which could not obtain justice from the hostile party in some important matter—the remedy of secession. The secession of a large body of citizens in an ancient republic might produce either one of two consequences:—if the enmity was irreconcilable, or the seceders not sufficiently numerous to be of vital importance to the state, the secession would take the form of an emigration, and lead to the foundation of a new colony. Secessions of this kind are enumerated among the origins of colonies, both in Greece(206) and Rome;(207) nor have they been wanting in modern times. The Pilgrim Fathers, who established the first settlement in New England, may be considered as a colony *ex secessione*. If, however, the two adverse parties could be induced to live together as fellow-citizens, and if the seceders were of sufficient numerical importance to induce their opponents to desire their return, and to fear their permanent separation, then the secession resembled the stoppage of the supplies in a parliamentary government: it arrested the action of the executive authority of the state, and compelled it to negotiate.(208) This last was the object which the plebeians, according to our accounts, now sought to attain.

The citizens serving in the consular armies withdraw, under

(206) Seneca enumerates intestine sedition as one of the causes of colonies. 'Nec omnibus eadem causa relinquendi quærendique patriam fuit. Alios excidia urbium suarum, hostilibus armis elapsos, in aliena, spoliatos suis, expulerunt; *alios domestica seditio submovit;* alios nimia superfluentis populi frequentia, ad exonerandas vires, emisit,' &c.; Consol. ad Helv. c. 6. Raoul-Rochette, Histoire de l'Etablissement des Colonies Grecques, tom. i. p. 23, says: 'Les dissensions fréquentes qu'enfantait, dans chaque cité, l'inquiète et orageuse démocratie des Grecs, n'occasionnèrent pas un nombre moins considérable d'émigrations. Lorsque deux factions, qui partageaient et déchiraient une ville entière, décidaient leur querelle par la voie des armes, le parti vaincu allait ordinairement cacher sa honte et réparer ses désastres sur une côte éloignée.' See above, vol. i. p. 302, n. 19.

(207) Servius, ad Æn. i. 12, distinguishes the colonies sent out 'ex consensu publico,' from those formed 'e secessione.' The Roman *coloniæ*, in the technical sense, were all of the former kind.

(208) Livy, in describing the mutiny in Campania of the year 342 B.C., says: 'Nondum erant tam fortes ad sanguinem civilem, nec præter externa noverant bella; *ultimaque rabies secessio ab suis habebatur;*' vii. 40.

Sicinius Bellutus, to the Mons Sacer, beyond the river Anio, three miles from Rome,(209) and appoint new centurions; they are afterwards joined by a further secession from the city; and the combined force awaits in tranquillity a communication from the Senate. Livy's narration, from this point, is very brief and very simple. The Senate, having decided in favour of a conciliatory course,(210) send Menenius Agrippa as their envoy to the seceders, who addresses to them the celebrated apologue of the Belly and Limbs. Their differences are then settled by the institution of the Tribunes of the Plebs—nothing being said upon the subject of debts, the cause assigned for the secession.(211)

The narrative of Dionysius is however of a totally different character. He details all the negotiations between the seceders at the Mons Sacer and the Senate, with a fulness and minuteness which seem to imply the knowledge of a person who was concerned in the transaction. His narrative resembles the accounts given by Lord Clarendon of negotiations in the civil war between the king and the parliament, of which he was personally cognizant, rather than the report of an ancient and imperfectly remembered event collected by a late historian from meagre chronicles. According to Dionysius, the following was the course of this transaction. The moderate party in the Senate propose to send envoys with a conciliatory message to the

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(209) Upon the situation of the Mons Sacer, see Gell's Topography of Rome, p. 321.

(210) The feeling in the city, when the secession had taken place, is thus described by Livy: 'Pavor ingens in urbe, metuque mutuo suspensa erant omnia. Timere relicta ab suis plebes violentiam patrum, timere patres residem in urbe plebem, incerti manere eam an abire mallent. Quamdiu autem tranquillam, quæ secesserit, multitudinem fore? quid futurum deinde, si quod externum interim bellum existat? Nullam profecto, nisi in concordiâ civium, spem reliquam ducere; eam per æqua, per iniqua, reconciliandam civitati esse;' ii. 32. According to this statement, the patricians found themselves compelled, by the plebeian secession, to capitulate. Zonaras gives a similar account: δείσαντες οἱ βουλευταὶ μὴ ἐπὶ πλέον οὗτοί τε ἐκπολεμωθῶσι, καὶ τῇ στάσει συνεπίθωνται οἱ περίοικοι, διεκηρυκεύσαντό πρὸς αὐτούς; vii. 14. This passage is taken almost verbatim from Dio Cass. xvii. 9. Orosius says: 'Actum de Romano nomine intestinâ pernicie foret, nisi maturata reconciliatio subrepsisset prius, quam se discessio ipsa cognosceret;' ii. 5.

(211) Livy, ii. 32-3.

seceders. This proposition is adopted; envoys are sent to inquire what are the grievances of the seceders, and to promise an amnesty, if they will return peaceably to the city: but the seceders treat this message as an insult, and only answer it with menaces.(212) At this moment the consuls, whose term of office was nearly expired, resigned their functions; no candidates for the consulship came forward at this dispiriting emergency, and the people elected Postumus Cominius and Spurius Cassius, men of moderate opinions, who commenced their magistracy on the calends of September, which was earlier than the usual time. The new consuls lose no time in convening a senate; here Menenius Agrippa delivers a speech, reported at length by Dionysius, in which he recommends, as a means of reconciliation, that envoys, with unlimited powers of treating, should be sent to the seceders.(213) Manius Valerius, being called on by the senior consul, delivers his opinion, in accordance with that of Agrippa.(214) At this period of the debate, Appius Claudius rises: he refers, as a warning example, to the recent expulsion of the gamori, or wealthy landowners, of Syracuse by their serfs;(215) and he advises the Senate neither to send an embassy to the seceders, nor to decree a remission of debts, but to treat the plebeians with lenity if they return. This speech is received with great applause, by the extreme party, which is described as consisting principally of the young patricians. The older senators earnestly desire to pursue a conciliatory course; and they implore the youthful and violent majority to consent; but in vain.(216) The consuls now interpose their authority

(212) Dion. Hal. vi. 47-8.

(213) Ib. c. 49—56. (214) Ib. c. 57-8.

(215) c. 62. The event referred to by Appius, is that described by Herod. vii. 155. Gelo, having become master of Gela, restores the Gamori of Syracuse, who had been expelled by the people and by their slaves, the Cyllyrii, and himself acquires the dominion of Syracuse. The commencement of Gelo's rule over Syracuse is fixed by Mr. Clinton at 485 B.C.; the date assigned for the first secession of the plebeians is 494 B.C., nine years earlier; so that although Dionysius speaks of the expulsion of the Gamori as a very recent event (τὰ τελευταῖα), yet we must suppose him to have adopted a somewhat earlier date for that occurrence. See Grote, Hist. of Gr. vol. v. p. 285; Müller, Dor. b. iii. c. 4, § 4.

(216) Ib. c. 59—65.

and influence in favour of the moderate side. They threaten to fix a limit of age, which will exclude the young patricians from the Senate. They likewise appeal to the constitutional rule, that all questions of peace and war are to be decided by the people; and hold (by a construction which seems somewhat forced) that this, being a question of *internal* peace and war, falls within its scope. Hence they announce their intention of referring the question to the people:(217) they fix another day for the meeting of the popular assembly, as well as of the Senate; and they give notice beforehand, in order that there may be a large influx from the country. At the second meeting of the Senate, Menenius and Appius repeat their former opinions; but Spurius Nautius, who is described as the descendant of a companion of Æneas,(218) comes forward as the organ of the young patricians, apologizes for their violence, and expresses himself as ready to acquiesce in any measure recommended by the elder senators. Several of the younger patricians declare themselves to the same effect; and at length all the Senate, with the exception of a few kinsmen of Appius, agree in appointing ten of the elder senators as ambassadors to the seceders. Their names are enumerated by Dionysius; three of them are Menenius Agrippa, Manius Valerius, and P. Servilius, the late consul.(219)

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(217) The consuls say: ὅτι δ' ἂν οἱ πλείους ψηφίσωνται, τοῦθ' ἡγησόμεθα κύριον; c. 66.

(218) Dionysius, c. 69, says that the founder of the family brought over the statue of Minerva Polias from Troy, and that it was handed down in the family of the Nautii. Virgil alludes to this eponymous hero, and to his connexion with Minerva, in the following verses:

> Tum senior Nautes, unum Tritonia Pallas
> Quem docuit, multâque insignem reddidit arte,
> Hæc responsa dabat.—Æn. v. 704-6.

Where Servius says: 'Quia ipse Romam Palladium detulit.' Unde Nautiorum familia Minervæ sacra retinebat, quod etiam Varro docet in libris quos de familiis Trojanis scripsit.' The family of the Nautii seems to have become extinct in the fifth century of the city. No Nautius is mentioned by Livy after the 10th book. This explanatory legend must therefore have grown up at an early date. See above, vol. i. p. 390, n. 106.

(219) The list is defective in the common editions: the Vatican MS. however completes the ten names; c. 69. Niebuhr, Hist vol. i. n. 1345, thinks that this list is very probably authentic. In his Lectures, vol. i. p. 142, he says: 'The list of the ten ambassadors given by Dionysius is certainly

The ambassadors, thus appointed by the Senate, are then presented by the consuls to the popular assembly. Here they are required to read their instructions, which are, that they shall do everything in their power for reconciling the plebeians with the patricians, without guile or deceit, and for bringing about a speedy return of the seceders. The assembly is satisfied with these instructions, and acquiesces in the act of the Senate.(220)

The fame of the ambassadors goes before them, and they are met, outside the camp, by a body of the seceders. An assembly is formed, which is addressed by Manius Valerius, on behalf of the Senate. He explains to it the nature of their mission, and the extent of their powers, and concludes by calling on the seceding party to state their demands. The person who, according to Dionysius, answers this appeal, and comes forward as the organ and representative of the plebeian secession, is a certain Lucius Junius, who, in imitation of the founder of the Republic, assumed the additional name of Brutus. He is described by Dionysius as something between a Thersites and a Cleon;(221) but the speech which is put in his mouth is a full, clear, and effective statement of the grievances of the plebeians, well suited to the supposed occasion. After some remarks on the impolicy of placing themselves in the power of the patricians, he gives a sketch of the early history, in which he declares that the plebeians had been well treated under the royal government, particularly under the last kings. He points to the wars with Veii and Tarquinii, and to the war with Porsena, as proofs that the plebeians exposed their lives in defence of their country; and he shows that the threats of invasion afforded them an opportunity of leaving the patricians exposed to the violence of their enemies. The breach of faith under Servilius and that under Valerius are then insisted

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authentic, and taken from the *libri augurales; forgeries would indeed have been carried far, if such names were spurious.*' It must however have been unknown to Livy, who speaks of only one ambassador being sent.

(220) Ib. c. 66-9.

(221) vi. 70. In vii. 36, he is called δεινὸς ἀνὴρ τά τ' ἄλλα καὶ πόρους εὑρεῖν ἐν ἀπόροις.

on, as reasons for a distrustful policy; and he describes the wretched condition of the insolvent debtors. He concludes his harangue by exhorting the seceders to separate altogether from the Roman community, and to form a new colony elsewhere; in support of which advice he appeals to the migration of Æneas from Troy to Latium, and the migration of Romulus from Alba to Rome.(222)

This speech profoundly agitates the assembly, and draws tears and lamentations from all the plebeian body. When silence is restored, T. Larcius, one of the ambassadors from the Senate, answers the speech of L. Junius: he defends the course taken by the Senate, and alleges that only a small portion of the plebeians really need relief, and that the majority are able, though reluctant, to satisfy the claims of their creditors. These unwelcome truths produce an uproar in the assembly;(223) after which Sicinius comes forward, and widens the breach by advising that the treaty be broken off, and that the ambassadors be dismissed, unless they state the terms which they are prepared to offer. At this critical point of the negotiation, Menenius Agrippa, the author of the conciliatory motion in the Senate, claims to be heard. He then proceeds to declare that, as the severe measures for the recovery of debts are the cause of the intestine commotion, all subsisting debts shall be forthwith annulled, and all insolvent debtors, reduced to slavery by their creditors, shall be liberated. With regard to the future, he

(222) Ib. c. 70—80. Dr. Arnold says of the seceders on the Mons Sacer: 'Here they established themselves, and *here they proposed to found a new city of their own*.' Hist. of Rome, vol. i. p. 146. It is highly improbable that the plebeians should have ever contemplated founding a new city at a distance of three miles from Rome. Dionysius represents L. Junius Brutus as proposing removal to some other region; c. 79, 80.

(223) Dionysius describes these statements as ἀληθεῖς μὲν, οὐχ ἅπασι δὲ τοῖς ἀκούουσι κεχαρισμένοι; vi. 81. Dr. Arnold, Hist. of Rome, vol. i. p. 138, speaks of the 'extraordinary moderation of the plebeians in remedying their distress;' and he adds: 'severity against a careless or fraudulent debtor seemed to them perfectly just; they only desired protection in cases of unavoidable misfortune or wanton cruelty.' This is not the view presented by Dionysius: he supposes the remission of debts to be a general measure of indiscriminate relief, applicable to all debtors without reference to their circumstances. Livy and Cicero, as we shall see below, suppose no relief to have been given on this occasion.

promises an amendment of the law of debt. Having thus disposed of the question at issue between the Senate and the plebeians, by conceding everything which was demanded, he concludes his address with the celebrated apologue of the Belly and Limbs, which is intended to illustrate the reciprocal assistance which wealth and labour afford to each other. This apologue, according to Dionysius, was remembered on account of its appositeness to the state of affairs, and was mentioned in all the ancient histories.(224) It will be observed that Dionysius does not represent the ten ambassadors as coming to any agreement as to the terms which they will offer to the plebeians; his narrative rather implies that the concession announced by Menenius is made upon his sole responsibility. We are then told that the seceders are fully satisfied with the promises of Menenius, and are about to return to the city, without taking any guarantee for their fulfilment, when L. Junius checks their eagerness, and recommends, as a measure of security, that they should demand the establishment of plebeian magistrates, with no other power than that of protecting the plebeians, and of defending their rights.(225) This proposal is received with great applause by the assembly, and the ambassadors confer together respecting the answer to be made to the unexpected demand. Menenius then stands forward, and says that the ambassadors do not themselves object to the concession, but they consider it as beyond their powers. He adds however that they are prepared to send Valerius and some of their number to the Senate, for instructions on the question, and to recommend that the request of the plebeians should be granted. This offer is accepted: Valerius and some of his colleagues return to Rome; and a meeting of the Senate is held, which they attend, and at which Valerius recommends that the concession should be made. Appius advises refusal, but the majority of the Senate wish to

(224) ὅθεν καὶ μνήμης ἀξιοῦται ὁ λόγος, καὶ φέρεται ἐν ἁπάσαις ταῖς ἀρχαίαις ἱστορίαις; vi. 83.

(225) Concerning this character of the tribunate, see Becker, ii. 2, p. 264.

put an end to the secession, and a decree is passed, not only confirming the measures promised by the ambassadors respecting the debts of the plebeians, but also creating the new plebeian magistracy. On the following day the ambassadors repair again to the camp, and report the decision of the Senate: whereupon a deputation, composed of L. Junius Brutus, Marcus Decius, and Spurius Icilius, on the part of the plebeians, and five of the ambassadors, proceed to Rome, and on the next day, L. Junius makes a solemn treaty with the Senate, by means of the Feciales. Menenius remains in the camp, in order to draw up the law which is to regulate the elections of the new magistrates. The election is then held by the people in curiæ; and five tribunes of the plebeians are appointed, namely, L. Junius Brutus, C. Sicinius Bellutus, C. Licinius, P. Licinius, and C. Icilius Ruga. These five tribunes entered upon their offices upon the 4th day before the ides of December, as was still the practice in the time of Dionysius. A law was then passed making the person of the tribune sacred; and it was enforced by the most binding religious solemnities.(226) Before the plebeians left the Mons Sacer, they erected upon it a memorial altar to the 'Jupiter of Terrors:'(227) and they afterwards obtained from the patricians the additional concession, that two plebeian ædiles should be annually elected.(228) The Senate are likewise stated by Dionysius to have added a third day to the Feriæ Latinæ, in commemoration of the return of the Plebs. The first day had, according to his account, been consecrated by Tarquinius Superbus, and the second at the expulsion of the kings.(229)

(226) Concerning this law, see Becker, ib. p. 269-70. Dionysius traces the subsequent custom to this origin. ἐκ τούτων κατέστη τοῖς Ῥωμαίοις ἔθος, τὰ τῶν δημάρχων σώματα ἱερὰ εἶναι καὶ παναγῆ, καὶ μέχρι τοῦ καθ' ἡμᾶς χρόνου διαμένει; vi. 89.

(227) ὡς ἡ πάτριος αὐτῶν ὁμιλεῖ γλῶσσα, Διὸς Δειματίου; vi. 90. There was probably an altar to 'Jupiter Pavens' (or some such epithet) upon the Mons Sacer, the origin of which Dionysius referred to the plebeian secession. Hartung, Religion der Römer, vol. ii. p. 58, translates the Greek epithet by 'Pavorius.' Tullus Hostilius is said to have vowed temples to Pallor and Pavor; Livy, i. 27.

(228) Dion. Hal. vi. 45—90. Concerning the plebeian ædiles, see Becker, ib. p. 291.

(229) Dion. Hal. vi. 95. In this passage, Tarquin is said to have

§ 17 On reviewing this copious, minute, and interesting narrative, we are naturally led to inquire what authority Dionysius could have had for it. He states that the apologue of Menenius was found in 'all the ancient histories.' But how ancient were these histories with reference to the event described? The secession to the Mons Sacer is placed in the year 494 B.C., nearly three centuries before the time of Fabius Pictor and Cincius, the earliest Roman historians of their country. It is inconceivable that a detailed history of this transaction, accounting for each day, describing the successive debates in the Senate, and in the camp, and reporting the speeches delivered on each side, could have been written from authentic materials, even by the earliest Roman historian. The secession is placed at a time when our knowledge even of Athenian history is only general. It is four years before the battle of Marathon, ten years before the birth of Herodotus,(230) and twenty-three years before the birth of Thucydides. It is only sixteen years after the expulsion of the Pisistratidæ; concerning which event the Athenians had, according to Thucydides, most imperfect ideas in his time. It may however be said that, although the details of the transaction, and particularly the

instituted the first day, at the time when the Romans conquered the Etruscans. His detailed account however, in iv. 49, does not agree with this statement; he there says that it was instituted in consequence of a league with the Latins. Various uncertain and improbable conjectures of Niebuhr respecting the Feriæ Latinæ may be seen in his Hist. vol. ii. p. 33—6. His statement that they lasted *six* days (for which number he discovers a symmetrical reason) is founded on a conjectural restoration of a corrupt passage of Festus, which is rejected by Müller. Itaque *scit ejus dies* feriatos liberos servosque; p. 194. Niebuhr followed the restored text, which had, 'Itaque *per sex eos dies*.' Müller reads: 'Itaque *solitos iis diebus*.' The words are however too corrupt to serve as the basis of any historical statement. The passage from the Scholiast to Cicero, cited by Niebuhr in n. 65, exhibits the confusion between the two Tarquins, already adverted to. It also speaks of another origin, from the Prisci Latini. Plutarch mentions the addition of a *fourth* day to the Feriæ Latinæ in the time of Camillus: Camill. 42; Compare Livy. vi. 42. The origins assigned for the Feriæ Latinæ, like those of so many ancient festivals, were doubtless unhistorical. See above, vol. i. p. 512, n. 112.

(230) The received date for the birth of Herodotus (though subject to some doubt) appears to me to be sufficiently vindicated by the arguments of the critic in the 'North British Review;' No. XL. p. 408—413.

speeches, may have been fabricated, the main facts were derived from an authentic tradition. Even this view is surrounded with difficulties; for we are unable to draw any clear line between the circumstances which are to be rejected, and the main facts which are worthy of belief. Dionysius indeed mentions that the apologue of Menenius was to be found in all the early Roman histories. This remark seems to imply that the other speeches, which he reports at such length, were not in those histories, and were therefore, like the majority of speeches in the ancient historians,(231) works of pure invention. But as to the successive *res gestæ* in the narration, how are we to discriminate? How much of the proceedings in the Senate, and of the negotiations with the seceders, are we to suppose to be real, and how much fictitious? Niebuhr is of opinion that L. Junius Brutus is an imaginary person.(232) He is not mentioned by any Roman writer.(233) Yet Dionysius describes him as the leader of the plebeians, their chief orator, and one of the first tribunes. What are we to think of a historical narrative, in which a personage of this importance, alleged to have occupied a conspicuous public office, is considered fictitious? The general maxim of evidence is, that a falsehood in one part of a story invalidates the credibility of the witness in other parts of his statement. 'Mendax in uno præsumitur mendax in alio.'(234)

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(231) With respect to the introduction of imaginary speeches by the ancient historians, see the remarks in the author's Treatise on the Methods of Observation and Reasoning in Politics; c. vii. § 15.

(232) Hist. vol. i. n. 1357. In his Lectures, however, Niebuhr recognises the reality of L. Junius Brutus in the subsequent contests with the Senate; vol. i. p. 147.

(233) He likewise appears as plebeian edile in two subsequent years in the narrative of Dionysius, and plays a prominent part in the affair of Coriolanus; vii. 14, 26. Plutarch, Cor. 7, follows Dionysius in making Junius Brutus one of the first tribunes. He is also mentioned by Suidas. If there had been any authentic lists of the tribunes and the ediles of this period, there would have been no doubt as to the existence of L. Junius Brutus. The testimony of Ascanius, ad Cic. pro Corn. i. is uncertain. Drumann, Gesch. Roms, vol. iv. p. 3, recognises L. Junius Brutus the tribune as a real person, and inserts him in the series of plebeian Junii.

(234) See the author's work above cited, vol. i. p. 246. This does not

If therefore it is admitted that a large part of the narrative of Dionysius is false, what good ground have we for believing the rest? Assuming however that we are to strip off all the subordinate parts of his narrative, as a later accretion, and to retain only a nucleus of the leading facts, do we find that these can be safely accepted, and that he is confirmed in them by the agreement of the other historians? So far is this from being the case, that the accounts transmitted to us differ widely in the material points of the transaction.

First, there is a discrepancy as to the place to which the seceders withdrew. Dionysius, Livy, Florus, and other authors say that it was the Mons Sacer;(235) and Dionysius adds that an altar of Jupiter on that eminence was erected at this time. Piso, on the other hand, one of the early historians,(236) affirmed that it was the Aventine hill, which was at the opposite extremity of Rome to the Mons Sacer, a hill situated on the right bank of the Anio, at a distance of three miles. Sallust and Cicero speak of the plebeians as occupying first the Mons Sacer, and afterwards the Aventine.(237)

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conflict with the maxim of Paley, that discrepancy in the testimony of different witnesses, as to subordinate points, is consistent with the truth of the main facts deposed; see ib. p. 321.

(235) ὅρος τι καταλαμβάνονται πλησίον Ἀνίητος ποταμοῦ κείμενον, οὐ πρόσω τῆς Ῥώμης, ὃ νῦν ἐξ ἐκείνου ἱερὸν ὄρος καλεῖται; Dion. Hal. vi. 45. He traces the name of Mons Sacer to the secession; i. e. to the altar which he afterwards states the plebeians to have erected on it; c. 90. Injussu consulum in Sacrum montem secessisse (trans Anienem amnem est), tria ab urbe millia passuum. Ea frequentior fama est, quam, cujus Piso auctor est, in Aventinum secessionem factam esse; Livy, ii. 32. The article in Festus agrees with Dionysius and Livy: Sacer mons appellatur trans Anienem, paulo ultra tertium miliarium; quod eum plebes, cum secessisset a patribus, creatis tribunis plebis, qui sibi essent auxilio, discedentes Jovi consecraverunt; p. 318. Festus says nothing of the altar. Varro, who calls this secession 'the Crustumerine secession,' implies that the Mons Sacer was the place, as it was not very distant from Crustumerium. Tribuni plebei [dicti], quod ex tribunis militum primum tribuni plebei facti qui plebem defenderent, in secessione Crustumerinâ; De L. L. v. § 81.

(236) Concerning Piso, see above, ch. ii. § 3.

(237) Dein servili imperio patres plebem exercere, de vitâ atque tergo regio more consulere, agro pellere, et, ceteris expertibus, soli in imperio agere. Quibus agitata sævitiis et maxime fœneris onere oppressa plebes, quum assiduis bellis tributum simul et militiam toleraret, armata Montem

Secondly, the cause is not uniformly related. Dionysius and Livy describe the secession as growing exclusively out of the

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Sacrum atque Aventinum insedit, tumque tribunos plebis et alia sibi jura paravit; Sallust, Fragm. Hist. lib. i. p. 12, ed. Kritze. In the Jugurthine war, c. 31, the Aventine is alone alluded to: 'Majores vestri, parandi juris et majestatis constituendæ gratiâ, bis per secessionem armati Aventinum occupavere.' The *second* secession to the Aventine is that in the time of the Decemvirs; see Livy, iii. 50; Dion. Hal. xi. 43. In the Republic, Cicero says: 'Nam cum esset ex ære alieno commota civitas, plebs Montem Sacrum prius, deinde Aventinum occupavit;' Rep. ii. 33. The passage concerning the tribunate in the Dialogue de Legibus, likewise implies that the Aventine, or some other part of the city, was occupied by the plebs during the first secession. 'Cujus primum ortum si recordari volumus, inter arma civium, et occupatis et obsessis urbis locis, procreatum videmus;' iii. 8. In the fragments of the first oration for Cornelius, however, Cicero, like Livy, speaks of the first secession being to the Mons Sacer exclusively, and the second (or decemviral) secession being first to some place out of Rome (probably the Mons Sacer), whence they came armed to the Aventine. In the Brutus, c. 14, Cicero likewise speaks of the first secession being to the Mons Sacer. It seems not improbable that both Sallust and Cicero have confounded the accounts of the first and second secessions. This remark however does not apply to Piso, whose account excluded the Mons Sacer. The two secessions are clearly distinguished in a speech which Livy puts in the mouth of the dictator, Valerius Corvus, during the Campanian mutiny: 'Inducite in animum, quod non induxerunt patres avique vestri; non illi, qui in Sacrum Montem secesserunt; non hi, qui postea Aventinum insederunt;' vii. 40. If Livy means the words 'patres avique' to be taken literally, his chronology is erroneous; for between the time of which he is speaking, and the two secessions respectively, there are intervals of above 150 and 100 years. Messala Corvinus de Prog. Augusti, c. 31, names both the Aventine and the Mons Sacer, giving the preference to the former: 'Inde ob truculentissimas inter patricios et plebeios seditiones, plebs armata, maximo cum terrore nobilium, in Aventinum, et, ut aliis placet, in Sacrum Collem secesserat; nec inde abduci potuit, donec, ad favorem sui, tribuni plebei primum crearentur.' (The short work extant under this title is a pseudonymous compilation of late date.) Florus mentions only the Mons Sacer: 'Prima discordia ob impotentiam fœneratorum, quibus in terga quoque serviliter sævientibus, in Sacrum Montem plebs armata secessit;' i. 23. Also Ovid, Fast. iii. 663-4.

> Plebs vetus, et nullis etiam nunc tuta tribunis,
> Fugit, et in Sacri vertice montis erat.

Valerius Maximus agrees: 'Regibus exactis, plebs, dissidens a patribus, juxta ripam fluminis Anienis, in colle qui Sacer appellatur, armata consedit;' vii. 9, § 1. Appian gives the same account: *ὁ δὲ δῆμός ποτε καὶ στρατευόμενος ἐς τοιάνδε ἔριν ἐμπεσὼν οὐκ ἐχρήσατο τοῖς ὅπλοις παροῦσιν, ἀλλ' ἐς τὸ ὄρος ἐκδραμὼν τὸ ἀπὸ τοῦδε κληζόμενον ἱερὸν, οὐδὲν οὐδὲ τότε χειρῶν ἔργον, ἀλλ' ἀρχὴν ἑαυτοῦ προστάτιν ἀπέφηνε, καὶ ἐκάλεσε δημαρχίαν*; Bell. Civ. i. 1. Dio Cassius, xvii. 9, says that the secession was to *κολωνόν τινα*; Orosius, ii. 5, names the Mons Sacer. Becker, ib. p. 254, thinks that 'the name of the Mons Sacer bears witness to the fact of the secession.' It is certainly true that the explanation of the name given by Dionysius and others bears witness to the *belief* in that fact.

refusal of the Senate to agree to a measure for the relief of insolvent plebeian debtors.(238) Other authors however speak in general terms of the cruelty and oppressions of the patricians,(239) and one writer attributes it to the pressure of military service and war-taxes upon the plebeians.(240)

Thirdly, there is a material disagreement between Dionysius and Livy as to the nature of the treaty made by the Senate and the seceders. According to Dionysius, the main subject of the negotiation was a Seisachtheia, for the relief of the plebeian debtors; when this measure had been conceded, the institution of the tribunes was suggested by L. Junius Brutus as an additional guarantee; and this afterthought was made the subject of a separate negotiation. Livy is entirely silent as to any arrangement about a remission of debts, and describes the compact as limited to the institution of tribunes;(241) Cicero agrees with

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(238) Plutarch, Cor. 5, follows Dionysius.

(239) See the passage from Sallust's Histories, cited in note 237. In the passage from the Republic, Cicero ascribes the first secession to debt; in the fragment of the oration for Cornelius, he says that it took place 'propter nimiam dominationem potentium.' Orosius likewise uses general terms. 'Sequitur discessio plebis a patribus, cum, M. Valerio dictatore delectum militum agente, *variis populus stimulatus injuriis*, Sacrum Montem insedit armatus;' ii. 5.

(240) Et quum populus a patribus secessisset, quod tributum et militiam toleraret, nec revocari posset; Script. de Vir. Ill. c. 18. This seems however to be taken from the passage of Sallust's Histories.

(241) Livy says that the Senate, desirous of bringing back the seceders, sent Menenius Agrippa to negotiate with them; that he went to their camp on the Mons Sacer, and addressed to them the fable of the Belly and Limbs; and that by this simple reasoning, 'flexisse mentes hominum.' The conclusion is thus described: 'Agi deinde de concordiâ cœptum, concessumque in conditiones, ut plebi sui magistratus essent sacrosancti, quibus auxilii latio adversus consules esset; neve cui patrum capere eum magistratum liceret;' ii. 33. Livy (as Crevier remarks) seems to understand that the debt-question was not directly settled, because the institution of tribunes was a sufficient security to the plebeians. His meaning appears to be accurately rendered by the writer de Vir. Ill. 18, who, after reciting the fable of Menenius, adds: 'Hâc fabulâ populus regressus est. Creavit tamen tribunos plebis, qui libertatem suam adversum nobilitatis superbiam defenderent.' Ruperti, however, in his note on the passage of Livy, suggests that the relief of the nexi is *implied*. Niebuhr, Hist. vol. i. p. 610, prefers the account of Dionysius to that of Livy, and the same view is taken by Dr. Arnold, Hist. of Rome, vol. i. p. 146, though his expressions in a former page (p. 138) seem more consistent with the other view. Beaufort, République Romaine, vol. vi. p. 285, thinks that the

Livy, and considers the tribunate as the sole result of the first secession.(242)

Fourthly, the number and names of the first tribunes are differently reported. Livy says that two tribunes, C. Sicinius and L. Albinus, were appointed, who nominated three colleagues; of these Sicinius was one, but as to the other two,

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treaty was confined to the creation of tribunes, and contained no stipulation respecting debts. Coriolanus is described by Dionysius, as charging the plebeians, in a subsequent speech in the Senate, with having seceded, not on account of any real want, but for the purpose of destroying the aristocratic form of government: ὡς καταλύσων τὴν ἀριστοκρατίαν ὑμῶν; vii. 22. The independence of the two parts of the treaty, and the advancement of the demand for the tribunate after the remission of debts had been granted, is insisted on by Appius Claudius, in Dion. Hal. vii. 49, 52.

(242) Niebuhr, Hist. vol. i. n. 1347, says that the account of Dionysius is 'supported by Cicero's whole view of these events, as to the necessity of violating the letter of the law,' given in Rep. ii. 34. It appears to me, however, that Cicero's meaning in this passage is exactly the opposite of that attributed to him by Niebuhr. After having described the secession of the plebs as caused by debt, he proceeds to say that the evil in question might have been remedied by some such measure as that which had been previously adopted by Solon, or as that which was subsequently adopted by the Senate when (in the year 326 B.C.) the law of nexum was abolished in consequence of the scandalous outrage of the usurer Papirius. This species of calamity was, he adds, always assuaged by some remedial measure: but on this occasion, a different course was adopted, and two tribunes of the plebs were created in order to diminish the power of the Senate: '*Quo tum consilio prætermisso*, causa populo nata est, duobus tribunis plebis per seditionem creatis, ut potentia Senatus atque auctoritas minueretur;' ii. 34. Cicero's meaning seems to be, that, instead of bargaining for a special measure on insolvent debtors, the plebs obtained a general security against the power of the Senate. The example of Solon is referred to in the speech of M. Valerius, in Dion. Hal. v. 65; above, p. 24. The account of Dio Cassius, xvii. 9; and Zonaras, vii. 14-5, is that many persons seceded from the city and army, on account of the law of debt, and plundered the country; that they were mollified by the fable of Menenius, one of the ambassadors, sent to them by the Senate; and that a measure of relief to debtors was conceded. After which, fearing lest the treaty should be broken, or that they should be maltreated individually, they formed a defensive league, and elected two tribunes for their own protection. This account differs altogether from that of Livy, and it does not even agree with that of Dionysius; for it represents the appointment of tribunes not as a matter of negotiation, but as a defensive measure adopted by the plebeians on their own authority. Eutropius appears to agree with Zonaras in representing the creation of tribunes as the independent act of the plebeian body: 'Sexto decimo anno post reges exactos, seditionem populus Romæ fecit, tamquam a senatu atque consulibus premeretur. Tum et *ipse sibi tribunos plebis*, quasi proprios judices et defensores, *creavit;* per quos contra senatum et consules tutus esse posset; i. 13. By 'seditio,' in this passage, Eutropius means 'secessio.'

the testimonies differed.(243) According to Dionysius, L. Junius Brutus and C. Sicinius were first elected, and afterwards two Licinii and C. Icilius Ruga.(244) L. Junius Brutus, whom Dionysius represents as the true leader of the plebeians on this important occasion, and whom he places at the head of his list of tribunes, is not mentioned by Livy or any Latin author. Cicero says that two tribunes were appointed in the first year, and ten in the second.(245) The difference in the numbers may, perhaps, be reconciled, by supposing that two were chosen by suffrage, and three by co-optation:(246) but the difference in the names is irreconcilable.

Fifthly, there is no fact in the first secession more strongly attested, or more consistently described, than the apologue of Menenius Agrippa.(247) It is represented as the main instrument by which the exasperation of the seceders was appeased, and an

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(243) Livy. ii. 33; cf. iii. 54, where Sicinius is referred to as having been one of the first tribunes. Lydus, de Magistr. i. 38, says that the first tribunes were *two* in number.

(244) Dion. Hal. vi. 89. The latter name is corrupt in the MSS. It recurs in vii. 26. The statement that Sicinius and Brutus were the two first tribunes of the people also occurs in Suidas in δήμαρχοι.

(245) De Rep. ii. 34; Orat. pro Corn. i. and Asconius. See Becker, ii. 2, p. 251; Arnold's Hist. of Rome, vol. i. p. 147. According to Livy and Dionysius, the increase to ten took place some years afterwards; Becker, ib. p. 252. Livy, ubi sup., adds: 'Sunt qui duos tantum in Sacro Monte creatos tribunos esse dicant, ibique sacratam legem latam.' Pomponius, Dig. i. 2, 2, § 20, says: Dicti tribuni, quod olim in tres partes populus divisus erat, et ex singulis singuli creabantur, vel quia tribuum suffragio creabantur. Asconius speaks of five tribunes having been originally appointed, one from each class. Cæterum quidam non duo tribunos plebis, ut Cicero dicit, sed quinque tradunt creatos tum esse, singulos ex singulis classibus; Ad Orat. pro Corn. vol. v. part ii. p. 76, Orelli. The former of these statements seems to allude to the triple division of the people by Romulus; the second, to the five classes of Servius.

(246) See Niebuhr, Hist. vol. i. p. 617. Dionysius states distinctly that the people elected the first tribunes in comitia curiata; vi. 89, cf. ix. 41; and Cicero makes the statement with respect to the tribunes of the following year; Pro Corn. i. These statements are rejected by Niebuhr, Hist. vol. i. p. 619; Becker, ib. p. 254, and others, as inconsistent with their theory of the curiæ, and the comitia curiata; but if we are to regard the accounts of this period as historical, such distinct statements cannot be set aside on merely hypothetical grounds. If they are not to be regarded as historical, hypothetical explanations of them seem to be thrown away.

(247) Dion. Hal. vi. 83, 86; Livy, ii. 32; Plut. Cor. 6; Florus, i. 23; Scriptor de Vir. Ill. c. 18; Dio Cassius, xvii. 10; Zonaras, vii. 14.

agreement was ultimately effected. Dionysius says that it was found in all the ancient histories.(248) Yet Cicero expressly attributes the mitigation of the seceders on this occasion to the eloquence of M. Valerius the dictator: adding, that he received for this good deed the appellation of Maximus.(249) In the detailed history of Roman eloquence, contained in his dialogue *de claris Oratoribus*, which he begins with the consul Brutus, no mention is made of Menenius, although the allusion to the first secession would naturally have suggested it. The language of Cicero seems to exclude the supposition that he conceived the speech of Menenius as having exercised the chief influence in bringing back the seceders; and is scarcely consistent with his knowledge of its connexion with that event. Indeed, Cicero nowhere speaks of this celebrated apologue, fond as he is of recurring to the examples of early Roman oratory. Valerius Maximus likewise agrees with Cicero in ascribing the return of the plebeians in the first secession exclusively to the eloquence of Valerius, and in omitting all mention of Menenius.(250) An ancient inscription, in honour of Valerius Maximus, likewise represents him to have induced the plebs to return from the Mons Sacer; to have reconciled them with the patricians; and to

(248) Extat orationis antiquæ satis efficax ad concordiam fabula; Florus, ubi sup. Prisco illo dicendi et horrido more, nihil aliud quam hoc narrasse fertur; Livy, ii. 32. Above, n. 224.

(249) Videmus item paucis annis post reges exactos, cum plebes prope ripam Anienis ad tertium milliarium consedisset, eumque montem, qui Sacer appellatus est, occupavisset, M. Valerium dictatorem dicendo sedavisse discordias, eique ob eam rem honores amplissimos habitos, et eum primum ob eam ipsam causam Maximum esse appellatum; Brut. c. 14. Dionysius mentions *Manius* Valerius in connexion with this event, but as having previously resigned the office of dictator. See above, p. 64.

(250) After describing the armed secession of the Mons Sacer, Valerius Maximus proceeds to say: 'Erat non solum deformis, sed etiam miserrimus reipublicæ status, a capite ejus cæterâ parte corporis pestiferâ seditione divisâ; ac ni Valerii subvenisset eloquentia, spes tanti imperii in ipso pœne ortu suo corruisset. Is namque populum, novâ et insolitâ libertate temere gaudentem, oratione ad meliora et saniora consilia revocatum, senatui subjecit; id est, urbem urbi junxit. Verbis ergo facundis irâ, consternatio, arma cesserunt;' viii. 9, § 1. Kempf, the recent editor of Valerius Maximus, thinks that in this passage he has confounded Valerius with Menenius: but we can scarcely suppose a similar confusion to have been made by Cicero, and the author of the Inscription.

have prevailed upon the Senate to liberate the people from its debts.(251) These notices differ entirely from the accounts of our historians. Livy says nothing of any Valerius on this occasion: Dionysius states that Manius Valerius was one of the ten ambassadors, and that he opened the negotiations by calling on the seceders to set forth their grievances; but the really important part in the conference with the seceders is assigned by him to Menenius, and it is an essential circumstance of his narrative as well as of Livy's, that the dictatorship of Valerius has ended before the secession begins.(252)

Sixthly, with respect to the time occupied by the secession, Dionysius says that it took place after the autumnal equinox (23rd September), about the beginning of seed-time; that the wealthier cultivators joined the patricians, and the artificers joined the plebeians; that the reconciliation was only a short time before the winter solstice (December 23); and that during this interval the land remained untilled.(253) This account is however inconsistent with his own narrative; according to which the secession took place before the election of the new consuls, which fell on the first of September; and the events from this time to the treaty with the Senate cannot

(251) M. Valerius f. Volusi Maximus, Dictator, Augur. Primus [prius?] quam ullum magistratum gereret dictator dictus est. Triumphavit de Sabinis et Medullinis. Plebem de sacro monte deduxit: gratiam cum patribus reconciliavit; fœnore gravi populum senatus hoc ejus rei auctore liberavit. Sellæ curulis locus ipsi posterisque ad Murciæ spectandi causâ datus est. Princeps in senatum semel lectus est; Inscript. 535, ap. Orell. vol. i. p. 146. The victory of Valerius Maximus over the Sabines is mentioned by Dion. Hal. vi. 42; Livy, ii. 31. Concerning the altar of the goddess Murcia within the Circus Maximus at Rome, see Becker, vol. i. p. 467. For illustrations of this inscription, see Morcelli, Inscript. Lat. vol. i. p. 262. Its discovery is described in Gori, Inscript. vol. ii. p. 235. This and the inscription relating to Appius Cæcus were both found at Arezzo. They probably belong to the imperial period, but the orthography of the word *fœnus* seems hardly a sufficient ground (with Orelli) for questioning the genuineness of the inscription on Valerius Maximus.

(252) Niebuhr, Hist. vol. i. n. 1334, supposes the statement of Livy, viii. 18, that a nail had been formerly driven by the dictator in secessions of the plebs, to refer to this dictatorship of Valerius. The conjecture is however quite uncertain, and Livy's own narrative is not consistent with it.

(253) Dion. Hal. vii. 1.

occupy more than a few days; although he places the election of the tribunes on the 10th of December.(254)

If such leading facts as those adverted to are variously reported; if our accounts differ as to the place where the seceders encamped, the cause of the secession, the nature of the treaty by which it was ended,(255) and the number and names of the tri-

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(254) According to the detailed narrative of Dionysius, the first event after the secession is, that the Senate send envoys to request the seceders to state their demands, and that no answer is given to them. The consuls then appoint a day for the comitia; the new consuls enter their office on the first of September; vi. 48. [According to this account therefore the secession took place before the 1st of September, whereas according to vii. 1, this event was after the 23rd of the same month.] As soon as the new consuls are in office they convene the Senate, and a few days afterwards (ταῖς ἑξῆς ἡμέραις) they convene the assembly and another meeting of the Senate; c. 67. The meetings are held, and ten ambassadors are chosen, who go to the camp the same day; c. 70. A conference immediately takes place, and some of the ambassadors return to Rome for fresh instructions; c. 88. A Senate is held, and the next day the ambassadors go out again to the camp and deliver their message. A deputation is sent from the camp to the Senate. On the following day Brutus returns to the camp, having made the treaty. Tribunes are elected, and enter on their office on the 10th of December; c. 89. This narrative implies that only a few days elapsed between the election of the consuls, and that of the tribunes; though Dionysius states it to have been more than three months. *The expression 'per aliquot dies' in* Livy, ii. 32, combined with the subsequent narrative, *might seem to indicate that the secession was not of long duration. He speaks, however, in the next year of 'caritas annonæ ex incultis per secessionem plebis ag[illegible];' c. 34. See also the words of Coriolanus, lower down. Niebuhr, v[illegible]. p. 607, thinks that the secession could* only have lasted a few days, and supposes that the length of time assigned by Dionysius was determined [illegible] only by the time fixed for the commencement of the office of tribune in [illegible]ss' times, combined with the outbreak of the sedition in the consulship of [illegible] sulpicius and Veturius. It is not improbable that the precise calculation of Dionysius was founded on these data —but both he and Livy suppose the secession to have lasted a sufficient time to prevent the land from being tilled. This supposition is quite independent of the precise calculation of Dionysius; for it accounts for the subsequent scarcity—and the scarcity is the cause of other events. Niebuhr is mistaken in thinking that Livy represents the secession as to have lasted only a few days. In his Lectures, vol. i. p. 141, he says: 'The secession cannot have lasted more than *about a fortnight*, for the city could not have held out much longer, and a famine would have occurred if the legions had remained in possession of the fields.' Both Livy and Dionysius state that the secession *did* produce a famine.

(255) It cannot even be said that all the accounts agree in representing the institution of the Tribunate as the result of a compact between the Senate and the seceders. For Zonaras (who seems in this transaction to follow Dio Cassius very closely) describes the agreement as limited to the settlement of the debt-question: he represents the establishment of the

bunes first appointed; and if there are further discrepancies as to the duration of the secession, and the persons by whose influence the parties were reconciled; and if we have no valid reason for preferring one account to another, how can we place the slightest reliance upon the detailed narrative of Dionysius? Although the story which he tells is not wanting in probability, it is destitute of external attestation, and has all the appearance of being an institution dramatized, like his own account of the origin of the dictatorship, and also like many of the scenes in the Cyropædia.(256) That the tribunes of the people had an origin is certain; that their office grew out of a secession, and that the secession had been caused by the law of insolvency, may have been facts handed down by an authentic oral tradition, and registered at a time when the memory of them was well preserved. Even as to these leading facts, however, historical certainty is unattainable; and it is still more uncertain whether any, and which of the other parts of the narrative are deserving of credit.(257) The fable of Menenius may be of indigenous origin; it is certainly ancient, and no such fable ever became celebrated in Greece.(258) It is well suited to the occasion of a

Tribunes as following indeed immediately upon the secession, but as a voluntary arrangement made by the plebeians among themselves; vii. 14, 15, Compare Dio Cass. xvii. 9-12.

(256) Becker, ii. 2, p. 283, n., considers this narrative as arbitrarily compounded of miscellaneous notices.

(257) 'Many of the narratives in the earliest history of Rome betray their fabulous nature by the contradictions and impossibilities they involve. There are none such in the account of the first secession, as given by Livy, and much more fully by Dionysius. Nor can we pronounce it to be quite impossible that a recollection of the various parties which divided the Senate, and of their spokesmen, should have been preserved; although unquestionably there were no traces of it in *the oldest annals*. And yet the internal connexion here merely proves the intelligence of *the annalist* who drew up the story now adopted, as is clear from the irreconcilable contradictions between it and other stories, which at one time were no less in vogue;' Hist. vol. i. p. 603. In this, as in other passages, it is difficult to understand what Niebuhr means by 'annals' and 'annalists,' or in what manner he conceives the received historical accounts of this period to have originated. Dr. Arnold says of the first secession: 'The particulars of this second revolution are as uncertain as those of the overthrow of the monarchy;' Hist. of Rome, vol. i. p. 145.

(258) Dionysius says: τελευτῶν δὲ τῆς δημηγορίας λέγεται μῦθόν τινα εἰπεῖν εἰς τὸν Αἰσώπειον τρόπον συμπλάσας; vi. 83. If the apologue of Menenius was delivered on this occasion, we must suppose the Æsopian fable to have

secession, actual or intended, of the poor from the rich; but how far its connexion with the name of Menenius and the secession in question may rest on an authentic tradition, ascending to the year 494 B.C., it would be presumptuous to decide. It may be added that Diodorus differs from all the other authorities; for he appears to represent the tribunitian office as created at the secession during the decemvirate, in the year 449 B.C., and as a result of the compact then made between the plebeian seceders on Mount Aventine and the patricians.(259)

§ 18 As soon as the dangerous schism in the Roman community is repaired, the attention of the state is directed to foreign wars. The plebeians are now willing to obey the consuls, and everything is speedily made ready. Cominius marches against the Volscians, and takes the towns of Longula and Polusca. He likewise attacks and takes the town of Corioli, and afterwards defeats the Antiates. In the attack of Corioli, a young patrician named C. Marcius greatly distinguished himself. Splendid rewards were assigned to him by Cominius, the chief part of which he declines, and he was afterwards known by the appellation of Coriolanus.(260) Spurius Cassius, the other consul,

been known at Rome in the year 494 B.C. The death of Æsop is placed above half a century before this time. The fable of the Belly and Feet (κοιλία καὶ πόδες) in the Æsopian collection resembles that of Menenius, and may be of native growth, though we have no means of determining its age (Fab. 202, p. 127, ed. Coraes.; Fab. 286, ed. Tauchnitz). A similar fable is in the collection of Sindipas (ib. ed. Coraes.), which is translated from the Syriac. Max. Tyr. [redacted] xxi. vol. i. p. 404, ed. Reiske, has a fable like that of Menenius, which he supposes Æsop might have made, but he speaks as if it were of his own invention.

(259) Diod. xii. 25. The dates of Diodorus for this period of Roman history differ from the ordinary chronology. He places this secession in the second year of the Decemvirate, which, according to his synchronism, agrees with the archonship of Lysanias, Olymp. 84.2=443 B.C.

(260) Dion. Hal. vi. 91-4; Livy, ii. 33; Plut. Cor. 8-11. The name is enlarged on in the last chapter of Plutarch. Livy and Dionysius agree in these events: both mention Longula and Polusca, as well as Corioli. Niebuhr thinks that this account of the origin of the name Coriolanus is fabulous, and taken from a heroic poem; Hist. vol. ii. p. 243; but it is as well attested as any other fact at this period of Roman history. Compare Florus, i. 11; Zon. vii. 16. He also says, ib., p. 103, that Corioli could not at this time have belonged to the Antiates, or have been attacked by the Romans, because it is in the list of Latin towns, in Dion. Hal. v. 61. This is an inconsistency which we cannot explain; but we have no better reason for rejecting one fact than the other.

who remained at Rome, is related to have dedicated a temple to Ceres, Liber, and Libera, which had been vowed by Postumius the dictator, at the battle of Regillus, and afterwards let out by him to contractors. It stood at the extremity of the Circus Maximus.(261) He likewise concluded an important treaty with the Latins, by which their relations to Rome were regulated. This treaty was inscribed on a brazen column, which was extant in the time of Cicero.(262) The year was ended by the death of Menenius Agrippa; he received the honours of a funeral at the public expense.(263)

The disagreement of our informants leaves us in doubt as to the mode by which the grievance of the plebs with respect to the law of insolvency was remedied; whether they obtained a universal remission of debts, or merely a protection against future oppression in the tribunate. The question at issue between the two orders is however represented as having been now practically settled; for no allusion is made, in the following years, to this particular grievance, although the conflicts between the patricians and plebeians continue with unabated force. All attempts to define with precision the Roman law of debt at this period are necessarily futile;(264) there are no extant materials upon which

(261) Dion. Hal. vi. 17, 94. See Becker, vol. i. p. 471.

(262) Livy, ii. 33, says that the exploits of C. Marcius so much obscured the fame of the Consul Cominius that his presence in this expedition would have been forgotten, if his absence from Rome had not been perpetuated by the fact that the treaty with the Latins, recorded on a brazen column, was concluded by Cassius alone. Cicero, Pro Balb. 23, mentions it as extant in his time. See Becker, vol. i. p. 18. The treaty is set out by Dion. Hal. vi. 95. A former treaty with Tarquin II. is mentioned, ib. iv. 48. Compare Niebuhr, Hist. vol. ii. p. 23; Lect. vol. i. p. 125. Above, vol. i. p. 511. Niebuhr supposes that, according to the original version of the story, the expedition against Antium was commanded by Coriolanus, and that Post. Cominius was subsequently introduced as commander, because his name did not appear in the Roman record of the Latin treaty. He believes that the real cause of the absence of Cominius was that he was swearing to the treaty among the Latins; Hist. vol. ii. p. 38, 104. Such conjectures, however, are too uncertain to have any historical value. Much doubtful speculation concerning the Latin League, and its relation to Rome at this time, may be seen in Niebuhr, Hist. vol. ii. p. 16—87.

(263) Dion. Hal. vi. 96; ix. 27; Livy, ib.; Script. de Vir. Ill. 18.

(264) See the explanations attempted by Niebuhr, Hist. vol. i. p. 575—580. Savigny, über das altrömische Schuldrecht, in his Vermischte

a safe conclusion can be founded. It is impossible to ascertain what was, in the year 494 B.C., the creditor's remedy against the insolvent debtor before judgment, as distinguished from his remedy after judgment, and to define the technical difference between the *nexus* and the *addictus*, or between the debt arising from the principal loan, and that arising from unpaid interest. As to the general state of the case, both Dionysius and Livy are agreed.(265) They both represent the insolvent debtor as becoming the slave of his creditor, and as subject to all the severe consequences of that *status;* viz., the liability to compulsory labour, to imprisonment, corporal restraint and punishment, and to being sold, both the debtor himself and children, by his master. The same law, and the same prevalence of debt among the poor towards the rich, is described by Plutarch as existing in Attica at the time of Solon; and this eminent lawgiver is reported to have granted a general remission of debts, and to have abolished the practice of borrowing on the person.(266)

Schriften, vol. ii. p. 396—470; Rein, Römisches Privatrecht, p. 313-8; and Mr. Long's art. on *Nexum*, in Dr. Smith's Dict. of Gr. and Rom. Antiquities. The hypothesis of Niebuhr is refuted by Savigny; and other differences of opinion occur between the principal modern writers on the subject, for the settlement of which no sufficient information exists. A summary of Savigny's Dissertation is given in Grote's Hist. of Greece, vol. iii. p. 211-5.

(265) The old centurion, in Livy, ii. 23, describes himself as 'ductum ab creditore, non in servitium, sed in ergastulum et carnificinam esse.' The decree in Servilius, in c. 24, protects the children and grandchildren of persons engaged in military service—(compare Dion. Hal. vi. 20)—which implies that, without this protection, they might be seized and detained by the creditor. The slavery of the insolvent creditor, and the liability of his body, as well as his goods, is distinctly pointed out in Dion. Hal. v. 69. The measure of the Senate for suspending the action of the courts, ib. v. 69, vi. 22, implies that the remedy of the creditor could not be enforced without a judicial decree. The slavery, hard work, bodily restraint, and punishments of the insolvent debtors are described, ib. vi. 26, 27, 79. The slavery of the debtors is recognised in the speech of Menenius, ib. c. 83. The seizure of the debtor's children is mentioned, ib. c. 26. The popular laws of king Servius respecting συμβόλαια are stated by Dionysius to have been repealed by Tarquin II., and to have been restored by the first consuls: iv. 43; v. 2. These appear to be the νομοὶ συναλλακτικοὶ, mentioned in iv. 13; but whether laws of debt are intended, does not appear.

(266) Plut. Sol. 13, says: ἅπας ὁ δῆμος ἦν ὑπόχρεως τῶν πλουσίων. The remedial measure of Solon is thus described; πολίτευμα γράψας τὰ μὲν ὑπάρχοντα τῶν χρεῶν ἀνεῖσθαι, πρὸς δὲ τὸ λοιπὸν ἐπὶ τοῖς σώμασι μηδένα δανείζειν, c. 15. Androtion, however, and others, denied that Solon enacted any

According to the account of Plutarch, the Megarian people, at a season of democratic licence, after the expulsion of Theagenes, exacted contributions from the rich, and even passed a decree by which money-lenders were compelled to refund to their debtors the interest which had been already paid.(267) It is difficult for us to conceive a state of society in which the poor are borrowers of money on a large scale: in modern states borrowers always have property in possession or expectancy, though it may be ultimately exhausted, and they may become insolvent.(268) The poor Athenians, in Solon's time, are described partly as cultivators paying, like métayers, a sixth portion of the produce of the soil in the shape of rent, and having fallen into arrear with their landlords; partly, as persons who had borrowed money upon their corporal security.(269) The plebeian class of

general measure for the remission of debts, and affirmed that the relief was given by lowering the interest of money; Plut. ib. The extant fragments of Solon mention poor freemen, who had been sold as slaves, some justly, some unjustly, and carried in bonds to foreign countries. He restored many of these, after they had become wanderers, and could no longer speak the Attic tongue, to their own country; he likewise liberated many from slavery who had remained at home; Fragm. 15, v. 23; Fr. 28, v. 6, ed. Gaisford. Unfortunately, there are no extant remains of any Roman poet, cotemporary with the first secession. According to the account of the Decemviral law of debt, in Gellius, N. A. xx. 1, the insolvent debtor, after his arrest, was produced on three successive *nundinæ* before the prætor, and if the money was not paid on the third period, he was liable to be put to death, or sold beyond the Tiber. The remains of this law are collected and illustrated by Dirksen, Uebersicht der Zwölf-Tafel-Fragmente, p. 234—62.

(267) Plut. Quæst. Gr. c. 18. A daughter of Theagenes was married to Cylon, who was an Olympic victor in 640 B.C., and whose attempt upon the acropolis of Athens is placed by Clinton at 620 B.C. Compare Grote, vol. iii. p. 60. The story is uncertain; the word παλιντοκία is probably ancient.

(268) When the poor borrow by pawning their goods, they give a valid security for the debt. This species of borrowing seems to have been unknown to the ancients. Concerning the institution of Monts de Piété, see Beckmann's Hist. of Inventions, vol. iii. art. Lending Houses. Plato, Rep. viii. 9, p. 555, has a striking passage, in which he describes the political discontent caused by the insolvency of debtors, and the pressure of money-lenders. In his picture, however, the debtors are rich oligarchs who have been reduced to insolvency by indolence and profusion—men like Catiline and his associates (Sallust. Cat. 33). According to the law of England, the king may, by his *writ of protection*, privilege a defendant from all personal suits for one year at a time, in respect of his being engaged in his service out of the realm; Blackstone, Com. vol. iii. p. 289. In former times, protections against creditors were often granted in the continental states; but chiefly, I believe, to men of rank, who had outrun their means.

(269) Plut. Sol. 13.

Roman cultivators were owners of the soil, not tenants; they tilled it by their own labour, and that of their sons, without the assistance of slaves,(270) but without the payment of any rent; hence the debts of the plebeians at the time of the first secession are described by the Roman historians as arising exclusively from loans advanced to them by the rich patricians.(271) These debts were, according to Dionysius, all cancelled by a single enactment, and the rights of all private creditors extinguished. An interference of the Roman state for the settlement of private debts is likewise mentioned nearly a century and a half later. In the year 352 B.C. five commissioners were appointed, who, partly by advances of public money, and partly by reducing the amounts due according to an equitable estimate, extinguished a great mass of private debt.(272) Measures of this kind bear little resemblance to acts of public bankruptcy, or repudiation, or depreciation of the currency, affecting the repayment of interest to the national creditor, with which they have been compared. Niebuhr indeed seems to consider their resemblance to consist in their both conferring a benefit on the owners and cultivators of the soil, at the cost of the moneyed interest.(273) But the patri-

(270) They were, according to the expression of Dionysius, *αὐτουργοὶ* (vii. 58), that is to say, they did not employ slave-labour. Compare Plutarch, Cor. 24. Above. vol. i. p. 418, n. 31.

(271) The patricians are represented throughout as being interested in the recovery of the debts, and the plebeians in their remission. See Niebuhr, vol. i. p. 374. Livy says, at the time of the Licinian rogations, more than a century later: 'An placeret fœnore circumventam plebem corpus in nervum ac supplicia dare; et gregatim quotidie de foro addictos duci, et repleri vinctis nobiles domos? et ubicumque patricius habitat, ibi carcerem privatum esse;' vi. 36.

(272) Livy, vii. 21. The nature and policy of a measure for the remission of debts are fully discussed, according to the ideas of Dionysius, in the debate, in v. 63—8. In c. 69, he describes different modes of affording relief. One is, that the property of insolvent debtors should be given up to the creditors, but that their bodies should remain free. Another is, that their debts should be discharged by the state. A third is, that prisoners of war should be assigned to the creditors as substitutes for their debtors.

(273) 'If a person approves of Sully's diminishing the interest payable to the public creditors, who were swallowing up the revenues of the state, and of his deducting the usurious profit they had long enjoyed from the principal,—if he is aware how lowering the interest, or the capital of its debt, or the standard of its currency, has been the only means whereby more than one state has been able to save itself from the condition in which

cians were as much landowners as the plebeians, and the patricians are described as the money-lending class.(274)

We shall see, moreover, in a future chapter, that, although the complaints of the plebeians respecting the law of debt are represented as being removed by the settlement made at the first secession, they recur in the subsequent period, at various intervals; and that the main grievance, the slavery of the insolvent debtor, was not abolished till the Second Samnite War. (326 B.C.) (275)

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the whole produce of the ground and of labour would have fallen into the hands of the fundholders; if he knows how speedily and easily wounds sustained by this class in their property heal; if he considers this, when reviewing the history of the states of antiquity, which were drained by private usury, he will be favourable to measures which tend to preserve hereditary property and personal freedom, as Solon was;' Hist. vol. i. p. 611.

(274) 'Qui vero se populares volunt, obeamque causam aut agrariam rem tentant, ut possessores suis sedibus pellantur, aut pecunias creditas debitoribus condonandas putant; ii labefactant fundamenta reipublicæ;' Cicero, de Off. ii. 22. Tabulæ vero novæ quid habent argumenti, nisi ut emas meâ pecuniâ fundum: eum tu habeas, egò non habeam pecuniam?' ib. c. 23. In these passages, Cicero lays down the general rule about the remission of debts, without adverting to those special circumstances, which, in certain critical seasons, may have rendered such a measure expedient. Our knowledge of the state of Attica in the time of Solon prevents us however from forming any other judgment of his measure for the relief of debtors beyond that which is founded on his description of its results. With respect to the causes and extent of the prevalence of debt among the Roman plebeians, at the time of the first secession, and the measures adopted for relieving it, our information is still more imperfect.

(275) Below, ch. xiii. § 8, 38.

PART II.—FROM THE FIRST SECESSION TO THE TERENTILLIAN ROGATION.

(493—462 B.C.)

§ 19 THE first secession is marked by Niebuhr as a great epoch in the Roman history. From this point, he thinks, a true narrative of events may, by a process of conjectural combination, be recovered from the extant accounts, though these are delivered to us by the ancient historians in a confused and distorted state.(1) There is however nothing to indicate any

(1) The first volume of Niebuhr's History ends with the secession and the institution of the tribunes. In the Preface to his second volume, he says: 'I saw clearly that, *in spite of all scepticism*, a critical examination of the facts would enable me to restore and establish a certain and credible history from the epoch at which this volume begins. . . . In like manner, I perceived that the changes in the constitution might be traced step by step;' p. vi. In the Introduction, he subsequently states the same view with greater fulness: 'It was one of the most important objects of the first volume to prove that the story of Rome under the kings was altogether without historical foundation. I have sifted the legends which have taken the place of history: such fragments of the same sort as lay scattered about, I have collected, with the view of restoring the manifold forms they once bore; *though with no thought that this could bring us nearer to historical knowledge*. . . . Even Fabius beyond doubt knew nothing more [of the time of the kings] than the story that has come down to us: and it would hardly have been possible for him to find any authentic records, unless in the writings of foreign nations; which he could never have reconciled with his own story, or made any use of. On the other hand, his age was in possession of a real history, though in many parts tinged with fable, since the insurrection of the commonalty [the first secession, 494 B.C.]. And though this has only reached us in a very defective state, disfigured by arbitrary transformations, yet from this time forward it becomes my cheering task to *undertake the restoration of a genuine, connected, substantially perfect history;*' vol. ii. p. 1. 'Historical criticism, by merely lopping off what is worthless, replacing tradition on its proper footing, *demonstrating its real dignity, and thus securing it from ridicule and censure* (?) will render the story of Rome during the period following the league with the Latins [493 B.C.] no less authentic and substantial than that of many much later periods, where we are in like manner left without contemporary records;' ib. p. 15. With regard to these later periods, it should however be remarked, that although the contemporary histories are not now extant, they were extant when the accounts now extant were composed. (See above, ch. ii.) In his Lectures on Roman History, he places the epoch of substantially true history immediately before the first secession. 'This battle [of Regillus, 496 B.C.] forms the close of the lay of the Tarquins. . . The earliest period of Roman history is thus terminated, and a new era opens upon us;' vol. i. p. 124. 'In the history of the period which now follows, we find ourselves upon real historical ground: we may hence-

change in the external testimony to the occurrences beginning from this period. We have no reason for supposing that the events of the fifteen years after the secession are better attested than the events of the fifteen years before the secession; except that, being somewhat later, they are somewhat more likely to have been handed down faithfully by oral tradition. With respect to the internal character of the narrative, we shall find, as we proceed, little improvement, until we reach the burning of the city; from which era Livy dates a more regular preservation of the contemporary historical records.

For a period of five years immediately following the secession, the history turns chiefly upon the acts of C. Marcius Coriolanus; whose drama consists of two acts; the first ending with his punishment, the second with his death. It is narrated at great length by Dionysius, and very briefly by Livy; so that the events which fill the seventh and the chief part of the

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forth speak with certainty of men and events, although now and then fables were still introduced into the Fasti. That errors did creep in is no more than the common lot of all human affairs, and *we must from this point treat the history of Rome like every other history, and not make it the subject of shallow scepticism to which it has already been too much sacrificed;*' ib. p. 126; and see p. 141.

In his Lectures on Ancient History, he draws a similar line: 'If we divide Roman history into its elements, into what was originally contained in the annals, and into ancient lays, much of which ought not to be disregarded; and if we separate the elements from the falsifications and interpolations of later times, we shall have, from the time of the first secession, and even from a somewhat earlier point, a history, the authenticity of which can be more easily restored the more deeply we study it, without having recourse to invention. It is not however the narratives that have come down to us that are authentic; but the narratives contain the authentic history, and it is our part to discover it;' vol. i. p. 190, ed. Schmitz.

According to Niebuhr, therefore, the history of the first five centuries of Rome is composed of three periods. First: the purely mythical, or fabulous period, comprising the reigns of Romulus and Numa. Secondly; the mythico-historical period, in which truth is blended with fiction, beginning with the reign of Tullus Hostilius, and ending at the First Secession, 494 B.C. Thirdly; the substantially historical period, beginning at the First Secession. With respect to the commencement of the mythico-historical period, and its character, see Niebuhr, Hist. vol. i. p. 247; and above, vol. i. p. 125, 529. It will be observed that the distinctions between these three periods rest on the internal character of the narrative, not on any differences of external attestation. Schwegler, vol. i. p. 579, follows Niebuhr, in making the purely historical character of the Roman annals commence from about the time of the First Secession.

eighth book of Dionysius, in Livy occupy only seven chapters.(2) Plutarch's life of Coriolanus is principally abridged from the history of Dionysius, and the extant account in Appian's Roman history is derived from the same source.

The following is the substance of the history of this period as narrated in the extant accounts. Under the new consuls, T. Geganius and P. Minucius (who appear to enter on their offices on the first of September), (3) a great scarcity prevails at Rome. This scarcity is stated by Dionysius to have been caused by the secession of the plebs, which lasted from the end of September to the end of December, and prevented the land from being tilled and the seed sown at the proper season. Livy, without specifying the duration of the secession, says that it was the cause of the land remaining uncultivated, and of the consequent scarcity.(4) The scarcity, it may be observed, is represented as falling in the right year; the accounts of our historians are chronologically consistent; for the harvest of the year of Virginius and Veturius, ending at September 494 B.C. (in which the secession began), would have sufficed for the year of Cominius and Cassius, who were elected during the secession, and whose consulship lasted till September 493 B.C.; and it would not have been till the following consulship, ending September 492 B.C., that the effects of the land being untilled during the secession would have been felt. The Senate takes measures for supplying the people with food; but not, according to our

(2) The seventh book of Dionysius corresponds to three chapters of Livy; viz., ii. 34-6. The first sixty-two chapters of the eighth book correspond to Livy, ii. 37-40. Niebuhr, Hist. vol. ii. n. 529, remarks that the account of Coriolanus in Dionysius is spun out by rhetorical details, so as to be the worst part of his whole history; and he contrasts it with Livy's 'concise and admirable representation.' The really important question however is not whether the narrative of Dionysius is wearisome, but whether it is fictitious. Little can be said of the sources of Plutarch's Life: see Heeren, De Fontibus et Auctoritate Vit. Parall. Plutarchi, p. 117.

(3) Cominius and Cassius are stated by Dionysius to enter on their office on the calends of September, θᾶττον ἢ τοῖς προτέροις ἔθος ἦν, vi. 49; which seems to imply that the subsequent consuls commenced their term of office at the same time.

(4) Dion. Hal. viii. 1, 24, 28; Livy, ii. 32; above, p. 82, n. 254; Plut. Cor. 12.

historians, until the scarcity has begun. No reliance was placed on private trade; but envoys were sent to Etruria, to the Pomentine plain and Cumæ, and to Sicily, in order to buy up corn at the public expense. The fate of these envoys was different. Those sent to Etruria were able to procure a supply of some inferior sorts of grain, which was brought down the Tiber, and lasted for a short time.(5) Those who visited the Pomentine plain, near Suessa Pometia, were, through the influence of some of the Tarquinian exiles, attacked by the Volscians; and were glad to escape with their lives, having been plundered of the public money which they had brought for making their purchases.(6) The envoys to Cumæ were not more fortunate. This town had become the refuge of the Romans attached to the cause of their ejected kings: it was the Coblentz of the Tarquinian emigration. The Roman exiles, who dwelt here under the protection of the despot Aristodemus Malacus, first requested his permission to put the envoys to death. When this application was refused, they set up a claim against Rome for the restitution of their confiscated property, and called upon Aristodemus to decide the question. The envoys said that they had received no powers from the Senate to represent their state for this purpose; but, seeing that the despot was disposed to favour the other party, they agreed to give security for their appearance; and they shortly afterwards escaped, leaving their slaves, beasts of burden, and money, in the hands of the Cumans.(7) Livy agrees in representing the envoys to Cumæ as unsuccessful, and he connects the failure of their mission with Tarquin; but the cause which he assigns for it is quite different. The corn, he says, had been purchased, and was on board: but

(5) κεγχρὸς and ζέα, according to Dion. Hal. vii. 12, that is, millet, and rye, or some other coarse grain. In the Odyssey, iv. 41, zea is given to horses, and white barley is mixed with it; which seems to imply that it is an inferior grain to barley; see ib. 604. Compare Plin. N. H. xviii. 19.

(6) Dion. Hal. vii. 2. It does not appear where he supposes these 'Roman exiles' to be resident. Livy says that, in the Volscian and Pomptine country the people would not sell, and the persons of the envoys were in danger; ii. 34.

(7) Dion. Hal. vii. 2, 12.

the ships were detained by Aristodemus, as compensation for the property of the Tarquins, because he was their heir.(8) P. Valerius, the son of Publicola,(9) and L. Geganius, the consul's brother, were the envoys sent to Sicily. They met with stormy weather at sea, and were compelled to sail round the island; so that they were late in reaching their destination; they wintered in Sicily, and did not return with their corn to Rome till the summer was over, and new consuls were in office. They brought with them 50,000 Sicilian medimni of wheat, of which half had been purchased at a very low price, and the other half was the gift of the despot, who had moreover paid the cost of its conveyance.(10)

'At that time (says Dionysius), the cities of Sicily were governed by despots: the most distinguished of whom was Gelon, the son of Dinomenes, who had lately deposed his brother Hippocrates,(11) and assumed his power: not Dionysius the Syracusan, as Licinius, Gellius, and many others of the Roman historians have stated, by a mere random assertion, and without any accurate knowledge of the chronology. For the envoys sent to Sicily sailed from Rome in the second year of the seventy-second Olympiad (491 B.C.), when Hybrilides was Athenian Archon, seventeen years after the expulsion of the kings, as they and nearly all other historians agree. But Dionysius the elder, having attacked the Syracusans in the eighty-fifth year after these events, made himself despot in the third year of the

(8) Frumentum Cumis quum coemptum esset, naves pro bonis Tarquiniorum ab Aristodemo tyranno, qui hæres erat, retentæ sunt; Livy, ii. 34.

(9) Dionysius here forgets his previous narrative; for he had already described Publius and Marcus, the sons of Publicola, as killed at the battle of Regillus; vi. 12.

(10) Dion. Hal. vii. 2, 20. The Attic medimnus was equal to $11\frac{7}{10}$ gallons. It does not appear that there was any Sicilian medimnus. Cicero, in speaking of Sicilian corn, makes the medimnus equal to six modii, which is the ordinary ratio. 50,000 medimni=585,000 gallons=73,125 bushels=9140 quarters; so small was the quantity of corn which, according to Dionysius, was brought from Sicily for the relief of the famishing population of Rome.

(11) This account of Hippocrates is inconsistent with the statement of Herod. vii. 155, and appears to be an error of memory. See Casaubon ad loc.

ninety-third Olympiad, when Callias was Athenian archon, after Antigenes (406 B.C.).(12) Now, errors of a few years may be forgiven in writers who compose ancient histories, extending over long periods of time; but no excuse can be made for an error amounting to two or three generations. The first historian who entered this fact in his chronicles—subsequently followed by all the others—probably found it stated only in the ancient registers, that envoys were sent in this consulship to Sicily, in order to buy corn, and that they returned with the supplies given by the despot, and made no search in the Greek historians in order to ascertain who was then despot of Sicily, but upon a mere loose conjecture put down Dionysius.'(13) This passage is instructive, both as to the nature of the historical accounts of the events of this period, and as to the manner in which Dionysius conceives them to have originated. He evidently supposes that the historians after Fabius—amongst whom he mentions Licinius Macer and Gellius—founded their narrative upon short annalistic records, noted by previous scribes; but whether contemporary or not, is uncertain. He further supposes that these brief notices were amplified by the historians, upon their own conjectures, and sometimes with an imperfect knowledge of the circumstances of the time. According to the synchronism of Dionysius, the year of Geganius and Minucius corresponds with Olymp. 72.2 = 491 B.C., the year in which, according to Mr. Clinton's arrangement, Gelon became master of Gela. It was not until 485 B.C., seven years afterwards, that Gelon's dominion at Syracuse commenced.(14) We cannot therefore reconcile even the corrected version of Dionysius with our accounts of the Greek chronology, though the divergence is not considerable.

(12) See Clinton's Tables on this year, for the year in which Dionysius becomes master of Syracuse.

(13) Dion. Hal. vii. 1. It will be observed that Dionysius here calls the works of the early Roman historians after Fabius, *χρονογραφίαι* (see i. 7); and he calls the early registers, made by the official scribes, *ἀναγραφαί* cf. iv. 30. Plutarch, Cor. 16, follows Dionysius in stating that corn was sent by Gelo.

(14) See Niebuhr, Lect. vol. i. p. 186.

But Dionysius the elder, whom the early Roman historians treated as contemporary with the first secession, belonged to a wholly different period. He lived, not at the time of Marathon, but at the close of the Peloponnesian war. The statement therefore which represented the Roman envoys in the year after the first secession as obtaining corn from Dionysius the elder, resembles the anachronism which makes Numa the disciple of Pythagoras, or that which describes the colloquy between Solon and Crœsus.(15) The error however was not unnatural to persons who wrote from vague impressions; for even the early Roman historians lived at so late a period, that both Gelo and Dionysius stood to them in the dim distance. Licinius Macer wrote in the last century B.C.;(16) but those who lived a century earlier were divided by more than a century and a half from Dionysius the Elder, who died in 367 B.C., and by more than two centuries and a half from Gelo, who died in 478 B.C.

We are next told that the Volscians were about to attack the Romans in their enfeebled state, when they are themselves seized by a pestilence which depopulates their country, and causes Velitræ to be ceded to Rome. In order to allay the popular discontents, the Senate decree a colony to Velitræ, but the plebeians refuse to go, being deterred by fear of the infection; the Senate therefore require that lots should be drawn by all the citizens, and that those who draw them should be compelled to go out as colonists. A colony is likewise sent to Norba.(17)

The remaining events of the year occur only in Dionysius. Icilius the tribune convenes the assembly of the people, at which L. Junius Brutus and Sicinius, the ædiles, accuse the patricians of having caused the scarcity. On the next day, the

(15) See above, vol. i. p. 451.

(16) Above, vol. i. p. 24.

(17) Dion. Hal. vii. 12, 13. He considers the Volscian pestilence as having been by *θεῶν τις εὔνοια, οἷς φροντὶς ἦν μὴ περιδεῖν ὑπὸ τοῖς ἐχθροῖς Ῥωμαίους γενομένους*. Livy, ii. 34, mentions the Volscian pestilence and the colony to Velitræ. The same facts respecting Velitræ are in Plut. Cor. 12.

consuls convoke the Senate, where there is great difference of opinion as to the adoption of a conciliatory policy; but the advice of Appius, hostile to concession, prevails.(18) On the same day, the consuls call the people together, and attempt to address the assembly, but the tribunes prevent them from being heard; a tumult arises, which Junius Brutus appeases by a stratagem; on the following day, there is a meeting of the people, at which a law is passed securing to the tribunes the right of addressing the popular assembly.(19) Both parties abstain from going to extremities: many persons migrate, on account of the scarcity, to neighbouring cities. The consuls try, in vain, to compel an enlistment; whereupon Coriolanus leads an army composed of patricians and clients against Antium, and succeeds in carrying off much plunder from the open country. This expedition must be noted, for, according to Dionysius, it furnished the pretext by which the vote for the banishment of Coriolanus was ultimately obtained from the people.(20)

§ 20 The month of September has now arrived: other consuls, M. Minucius and A. Sempronius, succeed; plenty is restored by the supplies of corn: a new harvest has likewise been gathered in. At this moment the envoys from Sicily, already mentioned, return with their supply of wheat. A difference of opinion immediately arises among the patricians as to its disposal. Some are in favour of selling it to the people at high, others at low prices. Coriolanus, representing the extreme oligarchical party, backed by a club of young patricians,

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(18) Dionysius is so well informed respecting the state of things at Rome on this day, as to know that the noise in the Senate was so great as to be heard outside the building, and to cause the people to collect around it; vii. 15.

(19) Dion. Hal. vii. 17. Cicero, pro Sext. 37, speaks of the tribune as 'contra verba atque interfationem legibus sacratis armatum.' Niebuhr, Hist. vol. ii. p. 98, thinks that this law must have been passed after the Publilian law of 471 B.C., and was probably not much earlier than 461 B.C. This is a mere guess: it is however not improbable that the origin of the law assigned by Dionysius is fictitious. Niebuhr, ib., says that this ordinance arose out of the impeachment of Coriolanus: which is not the account of Dionysius.

(20) Dion. Hal. vii. 14—9; Plut. Cor. 13.

strongly supports the former course.(21) He had recently met with a repulse for the consulship, and was exasperated against the people on this account. A Senate is convened; at which he proposes that the recent concession of the tribunate should be revoked; and that the price of corn should be maintained, for the purpose of driving the most seditious of the plebeians out of the city.(22) The Senate come to no decision; but, before they separate, the tribunes, who were present during the debate, demand to be heard, and threaten Coriolanus with exile or death. He in return threatens them with violence: whereupon they rush out, and denounce him to the people. The ædiles attempt to seize him, but he is forcibly rescued by the patricians. On the next day, an assembly of the people is held; in which the tribunes accuse the patricians of perjury and breach of faith, in violating the solemn treaty for the creation of tribunes. The Senate is sitting, and decides to defend itself before the people. As representatives of that august body, the consuls present themselves to the popular assembly, and Minucius, in a conciliatory address, explains the true origin of the scarcity—shows that it was caused, not by the malice of the patricians, but by the secession of the plebs, which interrupted the annual opera-

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(21) Plutarch, Cor. 14, 15, likewise states that Coriolanus, supported by all the patrician influence, was a candidate for the consulship in this year, but that he was rejected by the people. The failure of Coriolanus to obtain the consulship is also mentioned by Zonaras; vii. 16; Dio Cass. xviii. 3; Appian, Hist. Rom. i. 2. Victor, de Vir. Ill. 19, speaks of Coriolanus as if he had actually been consul. In c. 14, Plutarch has some good remarks on the deleterious effects of the bribery practised by the great party leaders of Rome in later times, and on the destruction which it brought upon the old republican constitution. Οὐ γὰρ κακῶς ἔοικεν εἰπεῖν ὁ εἰπών, ὅτι πρῶτος κατέλυσε τὸν δῆμον ὁ πρῶτος ἐστιάσας καὶ δεκάσας, ib.

(22) Victor, de Vir. Ill. 19, speaks of Coriolanus having, as consul, kept up the price of corn, in order to compel the people to attend to agriculture. 'Hic consul gravi annonâ," advectum e Siciliâ frumentum magno pretio dandum populo curavit, ut hâc injuriâ plebs agros, non seditiones coleret.' Dio Cassius, xviii. 5, says that Coriolanus prevented the distribution of the corn which the Romans had received gratuitously from the kings in Sicily: παρὰ τῶν ἐν Σικελίᾳ βασιλέων. It may be observed that both Dionysius and Livy place the arrival of the Sicilian corn in this consulship, and consequently after the new harvest, and at the time when plenty was restored. The time for extorting the abolition of the tribunate was while the scarcity was at its height.

tions of agriculture; he then justifies the sending of the colonies; finally, he assures them that the Senate will not interfere with the office of tribune, and that it will sell the public corn to the people at low prices. Sicinius, one of the tribunes, follows the consul, and speaks with moderation: but, at the close of his address, he directs some intentional taunts at Coriolanus, who was standing near the consuls, and provokes this fierce partisan to an angry reply. The people are about to fall upon their opponent, and kill him on the spot, when Sicinius declares that the tribunes condemn him to death for his previous violence to the ædiles, and order him to be thrown down the Tarpeian rock. He is however again rescued by the patricians. At this critical moment, Sicinius hesitates.(23) Junius Brutus advises delay, and at his suggestion Sicinius gives notice of bringing Coriolanus to trial before the tribes, which will decide by a simple numerical majority of the people. The Senate now meets; and in accordance with the advice of the consuls, it is decided to fix the prices of corn at the lowest rates at which they had stood before the secession. A postponement of the trial of Coriolanus is likewise obtained from the tribunes;(24) but Sicinius shortly afterwards fixes the day for it. The Senate are alarmed at the power assumed by the tribunes of bringing a patrician to trial without their consent; and a negotiation between the consuls and tribunes takes place, which ends in a compromise to the following effect,—that the existing rule prohibiting any question being brought before the popular assembly without the previous con-

(23) In Dion. Hal. vii. 35, *καὶ οὕτω τίμιον τὸ τῆς βασιλικῆς ἐξουσίας τίμημα*, the sense seems to require *μίμημα* for *τίμημα*.

(24) Dionysius here introduces an incident which it is impossible to reconcile with the rest of his narrative: he says that the ambassadors sent by the Sicilian despot with his present of corn for Rome were captured at sea by the Antiates, who detained them and confiscated the corn: that the consuls levied an army, and marched out, expecting to gain *time* by the expedition, but that the Antiates, alarmed at the prospect, set the envoys and their corn at liberty; vii. 37. Above however, in c. 20, he had described the Roman envoys as returning, at the beginning of the consular year, and before the transactions above described, with the entire quantity of Sicilian corn, including that which had been given by the despot. Livy says nothing of this incident. Plut. Cor. 19, mentions the war against the Antiates at this point, but without stating its cause.

sent of the Senate, should be maintained, but that in the present case the Senate should consent to the impeachment of Coriolanus. On the next day, there is a meeting of the Senate: and the consuls report the terms of the agreement. Junius Brutus, a party to the arrangement, is heard at length, in favour of it; Appius then makes a speech full of hostility and defiance, and urges the Senate not to consent that the plebeians should vote on the trial of a patrician. Manius Valerius recommends a moderate course, and enlarges on the doctrine of mixed governments:(25) upon his advice the Senate are about to consent to the impeachment, and to allow Coriolanus to be tried by the people, when Coriolanus calls upon the tribunes to specify their charge against him. He hoped that they would found their accusation on his speeches in the Senate, but they charge him generally with aiming at absolute power.(26) As soon as Coriolanus hears the accusation, he consents to be put on his trial: the Senate pass a decree for the purpose, and a day is fixed on which the patrician champion is to be arraigned.(27)

Much depended upon this trial; it was considered a decisive struggle for power between the patrician and plebeian orders; but its result was materially influenced by a change in the constitution of the tribunal now made for the first time. Hitherto the voting had been by centuries, according to the system above described.(28) The tribunes, however, in spite of the opposition of the Senate, decided to take the votes by tribes, which gave the preponderance to a simple majority of the people; whereas, in the voting by centuries, the wealthier citizens had more weight than numbers. Why the Senate should have submitted to this innovation, which the tribunes made without any legal

(25) The doctrine of mixed governments probably originated in the school of Plato, nearly a century after the time of this supposed speech. See the author's Treatise on Methods of Obs. and Reas. in Politics, vol. ii. p. 76.

(26) The statement that Coriolanus was tried for aiming at the τυραννὶς is repeated in his speech to the Volscian assembly, Dion. Hal. viii. 6, and the speech of Minucius to Coriolanus, viii. 24. Zonaras, vii. 16, states that the tribunes accused Coriolanus of τυραννίς.

(27) Dion. Hal. vii. 20—58. (28) ch. xi. § 27.

authority, and which changed the character of the tribunal from a favourable to an unfavourable one, Dionysius does not explain.(29)

The day of trial now arrives. Minucius, the consul, first addresses the people on behalf of Coriolanus. The tribunes having required that the question should be put to the vote, Minucius reads the decree of the Senate, referring the matter to the people. Sicinius and the other tribunes then formally accuse Coriolanus of aiming at despotic power. Against this accusation Coriolanus defends himself; he recounts his exploits in war, exhibits his scars, and produces the persons whose lives he had saved in the field; and, with reference to the course which he had taken about the price of corn, he asks whether any man who aims at despotic power drives away the common people, who are its great supports. The people, having heard the defence of Coriolanus, consider the charge to be disproved, and are about to absolve him, when L. Junius Brutus comes forward with a new fact confirmatory of the accusation.(30) He lays it down that, according to law, all plunder taken in war belongs to the state: he declares that, in the expedition to Antium during the scarcity, Coriolanus had divided the plunder among his own friends and adherents;(31) and argues that this act is a proof that he is seeking to make himself master of the state by largesses at the public expense. The charge, though malicious and false, produced a strong impression on the assembly. Coriolanus and

(29) Dion. Hal. vii. 59; Plut. Cor. 20, follows Dionysius in the statement as to the tribes. It is repeated in the speech of Coriolanus, viii. 6.

(30) In the present text of Dionysius this speech is attributed to a certain *Decius*, and the name is subsequently repeated. *τοῦτο καταμαθὼν ὁ Δέκιος ἐκεῖνος, ὁ καὶ τοὺς ἐν τῇ βουλῇ ποιησάμενος λόγους, καὶ τὸ προβούλευμα περὶ τῆς δίκης γραφῆναι παρασκευάσας, ἀνέστη*, vii. 63. The names of the tribunes who spoke in the senate are not mentioned in c. 25; but in c. 36, 39, L. Junius Brutus is described as the person who suggested and arranged the compromise about the decree of the Senate. In c. 39, it is said: *παρελθὼν δὲ ὁ Λεύκιος, ὁ συγχωρήσας τὸ προβούλευμα γενέσθαι.* For *Δέκιος* therefore we should read *Λεύκιος*. No corruptions are so frequent as those of proper names. See also viii. 31. Decius the tribune is however mentioned by Victor, de Vir. Ill. 19. Ergo a tribuno plebis Decio die dictâ ad Volscos concessit.

(31) See Dion. Hal. vii. 19.

37829

the consuls, taken by surprise, were unable to say a word. No explanation being offered, the tribunes put to the vote the question whether Coriolanus should be sentenced to perpetual exile; the guilt and the punishment being decided together. Out of twenty-one tribes, twelve condemned, and nine acquitted ;(32) so that, even after the unanswered charge of Junius Brutus, the majority is not considerable. This being the first instance of a condemnation of a patrician by the people, there is much popular exultation at the triumph. The patricians, on the other hand, are dejected, and blame Valerius for having advised them to make the concession.(33) Coriolanus shows no sign of weakness; but having taken leave of his mother and his wife, and committed his children to their charge, he departs from the city, without informing any one whither his course is turned.(34)

Dionysius states that he has given this copious narrative in order to explain the reasons of the patricians for making so large a concession to the people. As the dispute was settled by argument, and not by arms, he has recorded the speeches delivered on both sides; and he takes occasion to wonder why speeches of this kind are not more frequently introduced by historians. He admires the Romans for settling their civil differences without bloodshed, and contrasts them in this respect with the Greeks and the Sicilians.(35) Whatever we may think of the authenticity of the details out of which this narrative of Dionysius was constructed, it must be admitted to be a long chapter of internal

(32) Dion. Hal. vii. 64, counts erroneously, in saying that if two more tribes had voted for Coriolanus, the numbers would have been equal, and he would have been acquitted. It is true that he would have been acquitted, but he would have had a majority of the tribes. See below, viii. 6, 4. Menenius and Servilius are described as tried by the tribes, below, ix. 27, 33; Plut. Cor. 20, says that he was condemned by a majority of three tribes.

(33) Compare the remark of Coriolanus on Valerius, viii. 30.

(34) Dion. Hal. vii. 60—65, 67. The narrative of Plutarch agrees substantially with that of Dionysius, and requires no separate notice. Cor. 12—21. The banishment of Coriolanus is treated as unjust by Appian, B.C. i. 1.

(35) Dion. Hal. vii. 66. He calls this the ending of the first στάσις after the kings: so that he seems to consider it a continuation of the secession.

history, and to form an exception to the remark that the ancient historians are principally occupied with the foreign relations of states.(36)

The narrative of Livy is brief and simple, and contains few details. Like Dionysius, he represents Coriolanus as urging the Senate to use the supply of foreign corn as a means of starving the plebeians into a surrender of the tribunate and other concessions extorted in their recent insurrection. He thinks that the patricians might have succeeded in this attempt, if it had been made;(37) but the anger of the plebs was aroused, and Coriolanus would have been attacked on his way from the Senate-house, if the tribunes had not given him notice of trial. Coriolanus at first treated this threat with contempt; but the patricians found it necessary to yield: they tried, by influence and by entreaties, to bend the resolution of the tribunes; but the day of trial came on, Coriolanus did not appear, and he was found guilty in his absence. He then went into exile to the country of the Volscians.(38) This account agrees generally with that of Dionysius. Livy however says nothing of the important change from centuries to tribes; and moreover his statement that Coriolanus was condemned in his absence is quite inconsistent with the detailed account in Dionysius of the success with which he defended himself, until an adverse vote was obtained by the interposition of L. Junius Brutus.

§ 21 The consular year was now at an end; new consuls were appointed,(39) and the Roman games were celebrated. Dionysius tells us that the city was terrified with prophecies,

(36) Col. Mure, Hist. of the Lang. and Lit. of Greece, vol. iv. p. 395, makes this remark with reference to the Greek writers on their own affairs, of whom it is generally true. The Greek historians of Rome devote more attention to constitutional and internal history.

(37) Haud tam facile dictu est, faciendumne fuerit, quam potuisse arbitror fieri, ut conditionibus laxandi annonam, et tribuniciam potestatem, et omnia invitis jura imposita, patres demerent sibi; ii. 34.

(38) Livy, ii. 34-5.

(39) These consuls were Julius and Pinarius, whom Dionysius describes as ἄνδρες ἥκιστα πολεμικοὶ, καὶ διὰ τοῦτο μάλιστα τῆς ἀρχῆς ταύτης παρὰ τοῦ δήμου τυχόντες, viii. 1. This is another instance of the pacific disposition of the popular party at Rome; see above, p. 57.

prodigies, and pestilential diseases; which some attributed to the wrath of the gods, on account of the banishment of Coriolanus, others considered as merely casual phenomena.(40) One singular story, referred to this time, is related by all our authorities with great uniformity, and was recorded by the earliest native historians. An aged man, named Atinius or Latinus, was warned by Jupiter in a dream that he had been offended by the dancer who preceded his games; that their celebration must be renewed; and that he must inform the consuls of the message. Atinius treated the dream as a delusion; but in a few days his son died, and the same warning was repeated, with threats of further punishment for himself. After some further hesitation on his part, he was struck with a paralysis of the limbs, when he was carried on a litter to the consuls, who brought him before the Senate. As soon as he had delivered his message, he recovered the use of his limbs, and walked home, to the wonder of all beholders. The Senate were at a loss to interpret the divine injunction; but having been informed that a slave about to be put to death by his master, had been flogged through the forum, in front of the procession of the games, they understood the allusion. They accordingly fined the master, who had committed this offence against the gods, and caused the games to be celebrated anew with redoubled splendour. This story is related, not only by Dionysius, Livy, and Plutarch,(41) but also by Cicero, Valerius Maximus, Macrobius, and other writers. Valerius Maximus specifies no time, and says that the incident occurred at the 'plebeian games.'(42) Macrobius mentions the year 474 U.C. (280 B.C.); if his text is correct, he differs by more than two centuries from Dionysius and Livy.(43) Cicero connects the

(40) τοῖς μὲν δὴ ταῦτα ἐνίκει κατὰ θεοῦ γενέσθαι γνώμην, νεμεσῶντος ὅτι ἄριστον τῶν πολιτῶν ἐξήλασαν τῆς πατρίδος, τοῖς δ' οὐθὲν τῶν γινομένων θεοῦ ἔργον, ἀλλὰ τυχηρὰ καὶ ταῦτα καὶ τἄλλα ἅπαντα ἀνθρώπεια εἶναι πάθη, Dion. Hal. vii. 68.

(41) Dion. Hal. vii. 68-9, 73, ad fin.; Livy, ii. 36-7; Plut. Cor. 24-5. Compare Niebuhr, Hist. vol. ii. p. 106.

(42) Val. Max. i. 7, 4.

(43) Sat. i. 11, § 3. Zeune reads cclxiv. for ccccLxxiv; and by this alteration the year agrees exactly with that of Dionysius and Livy. Ac-

event with some Latin war, which does not harmonize with the date assigned for it by our other authorities. He states that it had been recorded by all the Roman historians, among whom he mentions Fabius, Gellius, and Cælius Antipater.(44) The story appears in the suspicious form of an explanatory legend for the *instauratitius dies* of the great Roman games; but it may have been preserved by an early pontifical record. On what ground it was assigned to this year, we cannot now discover.

§ 22 We are now arrived at the second and concluding portion of the drama of Coriolanus. As soon as he has left Rome, he adopts the course best calculated for satiating his vengeance against his hated countrymen. Instead of retiring, like Collatinus, to a friendly Latin town, he repairs, without delay, to Antium, the chief city of the hostile Volscians. Here he seeks the house of Attius Tullus, one of the Volscian leaders, and sits on the hearth as a suppliant. He recommends himself to Tullus by promising to do the Volscians as much good as he had formerly done them harm. Tullus gives the banished man his hand, raises him from the hearth, and promises to make the Volscians his friends. The host and his new guest lose no time in agreeing to a war against Rome; but there is at this time a truce of two years between Rome and the Volscians; and Coriolanus wishes to have a good reason for breaking it, because

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cording to the account of Macrobius, the master of the slave was named Autronius Maximus, and the man who received the warning was named Annius. Both Livy and Valerius Maximus call the latter Titus Atinius. The difference between ANNIUS and ATINIUS is not great, and the name in Macrobius may be corrupt. Dionysius and Plutarch call him Titus Latinus: Augustin. de Civ. Dei, iv. 26, Titus Latinius. Lactantius, who repeats the same story in Div. Inst. ii. 7, calls the master of the slave Antonius Maximus, and the old man Tiberius Attinius. Macrobius ends his account by saying: 'Ex senatus itaque consulto, et Mæniâ lege, ad propitiandum Jovem additus est illis Circensibus dies is, qui instauratitius dictus est, non a patibulo, ut quidam putant, Græco nomine ἀπὸ τοῦ σταυροῦ, sed a redintegratione, ut Varroni placet, qui instaurare ait esse instar novare.' Those who derived the *instauratitius dies* from σταυρὸς alluded to the *furca* which the tortured slave carried through the forum. The *lex Mænia* mentioned in this passage must be a different one from that in Cic. Brut. 14. The same story is related by Arnob. adv. Nat. vii. 39, and alluded to by Minucius Felix, Oct. c. 7.

(44) De Div. i. 26.

the gods exercise a peculiar influence upon the events of wars, and they will be hostile to the side which fights without sufficient cause. With this view, he suggests to Tullus a stratagem for instigating the Romans to become the aggressors. 'The Romans (he says) are about to celebrate some great games. Many Volscians will attend them. A friend may be sent to inform the consuls that the Volscians intend to attack the town by night. The authorities will take alarm, will turn you out of the town, and give you just ground of anger.' The plan is executed according to the design of Coriolanus. The informer is taken by the consuls before the Senate, who order the Volscians to quit the town before sunset, on pain of death. As soon as they are outside the gates, Tullus harangues them about the insulting and offensive conduct of the Romans; and shortly an assembly of the whole nation is held at Echetra, where war is unanimously voted, on the ground that the Romans were the aggressors. It may be observed that the account of Dionysius supposes the gods to be ignorant of the secret thoughts of men, and to be capable of being deceived by a fraud; for the Volscians, who provoke the war by a deliberate stratagem intended to bring about a rupture of the truce, are the real aggressors This supposition is certainly not in accordance with the general belief of the ancients respecting the moral government of the world by the gods.(45) At this assembly, Tullus suggests that Coriolanus should be consulted as to the best mode of attacking Rome. The great refugee then addresses the Volscian deputies; but, unmindful of the stratagem which he had himself proposed and of its success, as well as of the question proposed to him, and of

(45) See the verses of Critias, the leader of the Thirty at Athens, in which he describes the gods to have been an invention of some wise man, who saw that human laws could only punish open offences, and could not reach hidden acts or thoughts:

ἐξευρὼν ὅπως
εἴη τι δεῖμα τοῖς κακοῖσι, κἂν λάθρα
πράσσωσιν ἢ λέγωσιν ἢ φρονῶσί τι.

The opinions of Critias are (as Sextus Empiricus remarks) atheistic; but they show clearly what was the belief of his contemporaries upon the moral government of the gods. See Critiæ Fragmenta, ed. Bach. p. 56.

the previous vote for war, he advises a demand for a restitution of the lands conquered by Rome, before hostilities are begun. His advice is adopted; ambassadors are sent to Rome, who make the demand; but the Roman Senate give a peremptory refusal.(46) As soon as this answer is reported to the Volscians, a second assembly of the cities is convened, which declares war against the Romans, and makes Tullus and Coriolanus generals of the Volscian army with dictatorial power.

A volunteer force is immediately collected, with a part of which Tullus invades Latium, while with the rest Coriolanus wastes the Roman territory. He intentionally spares the lands of the patricians; who are accused by the plebeians of a traitorous conspiracy to restore Coriolanus to his country.(47) In the meantime, the enrolment of soldiers for the Volscian forces proceeds rapidly. Two armies are formed, one of which, under the command of Coriolanus, is to ravage the territory of Rome, detach its allies, and destroy its colonies; while the other, under Tullus, is to remain stationary, and to keep watch upon the Romans. Coriolanus now turns his arms against Circeii, a town which had received a Roman colony. It opens its gates to him voluntarily, and he obtains possession of it without a struggle. When the news of this event reaches Rome, the patricians and plebeians indulge in mutual reproaches, and political discord paralyzes all measures for the defence of the country. After a time, however, the two parties are reconciled: and under the new consuls, Nautius and Furius,(48) preparations are made for war and the

(46) In composing this refusal, Dionysius had an answer of the Athenians at the Melian conference in his mind. ἡμεῖς δὲ (says the Roman Senate) κρατίστας ἡγούμεθα κτήσεις, ἃς ἂν πολέμῳ κρατήσαντες λάβωμεν· οὔτε πρῶτοι καταστησάμενοι νόμον τόνδε, οὔτ' αὐτὴν ἀνθρώπων ἡγούμενοι μᾶλλον εἶναι ἢ οὐχὶ θεῶν, ἅπαντας δὲ καὶ Ἕλληνας καὶ βαρβάρους εἰδότες αὐτῷ χρωμένους, viii. 10. Compare Thuc. v. 105. καὶ ἡμεῖς οὔτε θέντες τὸν νόμον οὔτε κειμένῳ πρῶτοι χρησάμενοι, ὄντα δὲ παραλαβόντες καὶ ἐσόμενον ἐς ἀεὶ καταλείψοντες, χρώμεθα αὐτῷ, εἰδότες καὶ ὑμᾶς ἂν καὶ ἄλλους ἐν τῇ αὐτῇ δυνάμει ἡμῖν γενομένους ὁρῶντας ἂν αὐτό.

(47) Dion. Hal. viii. 12. Livy, ii. 39, says: Custodibus inter populatores missis, qui patriciorum agros intactos servarent; sive infensus plebi magis, sive ut discordia inde inter patres plebemque oriretur.

(48) These consuls are mentioned by Livy, ii. 39. The two previous sets of consuls in Dionysius (Sulpicius and Lartius, vii. 68; Julius and Pinarius, viii. 1) are not recognised by Livy.

protection of the city. Some Latin ambassadors who come to seek for aid, receive permission to levy an army and appoint generals of their own, which they were prohibited from doing by their treaty with Rome.(49) The Æquians now revolt, and join the Volscian army; other cities at peace with Rome do the same. Strengthened by these accessions of force, Coriolanus ravages the Roman territory, and carries back much plunder. The Volscians exult in his successes.(50) He next (according to the account of Dionysius) turns his arms against the allied cities; and marching from the Volscian country, he makes an excursion to the country chiefly to the east and north of the Alban lake, and reduces a cluster of towns in that district, of which Tolerium, Bola, Labicum, Pedum, Corbio, Corioli, and Bovillæ are named: it is added that all submitted with the exception of Lavinium, the ancient foundation of Æneas.(51) He then marches on Rome, and encamps at the Fossa Cluilia, five miles from the walls.(52)

The city is now filled with alarm at the near approach of the redoubtable enemy, and five persons of consular rank (whose names are recited by Dionysius)(53) are sent to Coriolanus to treat for peace, and to offer him a safe reception by his fellow-citizens. M. Minucius, who had been a zealous supporter of Coriolanus when he was a candidate for the consulship, addresses him in a long speech, in which all the reasons why he should comply with the prayer of his countrymen are collected, and the assistance

(49) Dion. Hal. viii. 15. Nothing however is said of these prohibitions in vi. 95, where he professes to give the words, or at least the entire substance of the treaty. The existence of this relation of dependence between Rome and Latium is implied as existing in Livy, ii. 30, iii. 6, (where the Hernici are included) viii. 4. Compare Niebuhr, Hist. vol. ii. n. 70, who attempts without success to explain the discrepancies in the accounts.

(50) Dion. Hal. viii. 1—17. (51) Dion. Hal. viii. 17—21.

(52) 40 stadia, according to Dion. Hal. viii. 22. See Livy, i. 23; above, vol. i. p. 454.

(53) The names are M. Minucius, P. Cominius, Sp. Larcius, P. Pinarius, Q. Sulpicius, viii. 22. All these, according to the account of Dionysius, had been consuls, but Pinarius and Sulpicius are not recognised as consuls by Livy: see above, n. 48. If the truth of the observation of Niebuhr respecting the list of the ten ambassadors in the secession is admitted (above, p. 68, n. 219), we must suppose this list of the five consulars to be historical.

afforded him by the patrician body is particularly insisted on.(54) A detailed answer is given by Coriolanus, who declares his willingness to grant a peace to the Romans, on condition that the land conquered from the Volscians is restored; that the colonies established on the Volscian territory are withdrawn; and that an equality of civil rights with the Romans is granted to the Volscians, as to the Latins.(55) He allows them thirty days to consider of their answer; and immediately marches against the unsubdued Latin towns to the west and south of the Alban lake; of which he takes seven (Longula, Satricum, Setia, Polusca, Albiola, Mugilla, and Cora); he returns on the thirtieth day, with an increased army, and encamps on the Tusculan road within four miles of Rome.(56) In the meantime, the Senate have decided not to make the concessions prescribed by Coriolanus, but they send another embassy of ten consulars to wait upon him, and to ask for peace. Coriolanus tells them peremptorily that if they do not make some better offer within three days, he will resume the war; and upon their attempting to use further arguments, he orders them out of his camp, threatening to put them to death as spies if they do not immediately depart.(57) A third and last attempt to mitigate the hostile spirit of Coriolanus is made by sending an embassy of priests, augurs, and other holy men; but he refuses to hold any further conference with Roman envoys.(58)

The Romans now prepare for a siege; and at this moment

(54) Dion. Hal. viii. 23—8.

(55) Ib. c. 29—35. The terms are in c. 35. Compare below, c. 47, where they are again referred to in the speech of Coriolanus to his mother. On the meaning of *ἰσοπολιτεία* referred to by Dionysius, see Niebuhr, Hist. vol. ii. p. 51. The equality was confined to civil, and did not extend to political rights: the condition of the Athenian *ἰσοτελεῖς* was similar: see Boeckh's Economy of Athens, b. iv. c. 10.

(56) Ib. c. 36. The people of the town *Albiola* are Ἀλβίητες in the text of Dionysius: for Κοριολανοὺς it is necessary to read Κορανοὺς, as the reduction of Corioli had been previously mentioned, c. 19. The first passage is however altered by Niebuhr, Hist. vol. ii. n. 593. Concerning the expeditions of Coriolanus, as described by Dionysius, see Bormann, Altlatinische Chorographie, p. 200—204. Victor de Vir. Ill. 19, likewise says that 'ad quartum ab urbe lapidem castra posuit.'

(57) Dion. Hal. viii. 37. (58) Ib. c. 38.

of general consternation, a large number of women are collected at the Capitoline temple of Jupiter. Valeria, the sister of Publicola,(59) addresses them, advising them to go in a body to Veturia, the mother of Coriolanus, and to exhort her to interfere, in behalf of her country, at this trying emergency. Her advice is followed; the women repair to the house of Veturia, where Valeria requests her to take Volumnia and her children to the Volscian camp, and to implore Coriolanus to relent towards his country: in support of her petition, she cites the conduct of the Sabine women, who had prevented the conflict between the Sabines and Romans.(60) Veturia at first refuses to go, but afterwards yields to the pressing entreaties of her countrywomen.(61) The Senate is then consulted as to the propriety of allowing the embassy of women to take place. Much difference of opinion prevails: some think that it would be dangerous to allow a large number of women and children to fall into the hands of the enemy, but that Veturia with Volumnia and her children might be permitted to go alone. Others maintain that the latter ought to be guarded in Rome with peculiar care; as being valuable hostages in their hands for the moderation of Coriolanus. After a long debate, the Senate decide in favour of permitting the embassy of the women, without any restriction; and the decision is announced to the people by the consul at a late hour in the evening. Early in the following morning, the troop of female suppliants issues from the gate. Coriolanus goes forth to meet his mother, lowers the fasces before her in token of respect, receives his wife and children with affection, and causes his seat to be removed from the raised tribunal, in order that he may not be placed above his mother during their conference. Veturia then addresses him at great length, appealing to all those sentiments of filial piety

(59) Plut. Cor. 33, likewise calls her the sister of Publicola. Appian, H. R. ii. 5, calls her his daughter.

(60) Dion. Hal. viii. 38—40. Appian, H. R. ii. 5, places the reference to the conduct of the Sabine women in the address of Veturia to Coriolanus. See above, vol. i. p. 426.

(61) Ib. c. 41—3.

which her appearance as a suppliant in his camp was fitted to awaken; when she has concluded, she throws herself on the ground, and kisses his feet. Coriolanus, unable any longer to resist, announces his intention of sparing his country, but declares that his forbearance will lead to his own ruin.(62) He then takes his mother and wife to his tent, and concerts with them his plan of proceeding; after which they return to Rome. In the evening he calls an assembly of his soldiers, and declares to them his intention of desisting from the further prosecution of the campaign;(63) and on the following morning he commences his march back to the Volscian country, without permitting any further plunder. As soon as the army is returned, he dismisses it to its several cities. The soldiers bear the disappointment without repining, as they have been enriched by booty; but the people at home are displeased. Tullus, who had resolved, from motives of envy, to cause Coriolanus to be secretly assassinated, even if he had returned a conqueror, now calls upon him to resign his office of general, and to render an account of his acts.(64) Coriolanus makes some resistance, but a day is at last fixed for his trial. Tullus comes forward as his accuser; but when Coriolanus rises to defend himself, the partisans of Tullus fall upon him, and put him to death. The Volscians however lament his death; they honour him with a public funeral, and distinguish the place of his burial with a monument. The Roman matrons likewise celebrate his memory with a year's mourning.(65)

(62) Νικᾷς, ὦ μῆτερ, οὐκ εὐτυχῇ νίκην οὔτε σεαυτῇ οὔτ' ἐμοί· τὴν μὲν γὰρ πατρίδα σέσωκας, ἐμὲ δὲ τὸν εὐσεβῆ καὶ φιλόστοργον υἱὸν ἀπολώλεκας, the words of Coriolanus in Dion. Hal. viii. 54. Imitated by Plutarch: Νενίκηκας εὐτυχῇ μὲν τῇ πατρίδι νίκην, ἐμοὶ δ' ὀλέθριον· ἄπειμι γὰρ ὑπὸ σοῦ μόνης ἡττώμενος, Cor. 36, and Appian: Νικᾷς, ὦ μῆτερ, ἀλλὰ νίκης ἐξ ἧς τὸν υἱὸν ἀπολεῖς, Hist. Rom. ii. 5.

(63) Dion. Hal. viii. 43—54.

(64) In the passage, τεκμαιρόμενος ἀληθέσι ψευδῆ, καὶ οὐ γενησόμενα εἰκάζων γενησομένοις Dion. Hal. viii. 57. γενομένοις or γεγενημένοις must be read with Stephens and Casaubon for γενησομένοις.

(65) Ib. c. 57—63. The passage of Dionysius, c. 62, εἰ μὲν οὖν ἅμα τοῖς σώμασι διαλυομένοις, &c. seems to have suggested the celebrated sentence of Tacitus at the close of the Agricola, 'Si quis piorum manibus locus,' &c.

Dionysius describes the joy of the Romans at this unexpected deliverance from imminent danger as unbounded. The Senate meet, and postpone the honours to Coriolanus, but they pass a laudatory decree, in commemoration of the services of the matrons, to be preserved in the public archives, and vote them any reward which they may themselves select. The women, desirous of avoiding a request which may offend the gods, by showing elation of mind in prosperity, petition the Senate for a temple to the 'fortune of women' (Fortuna Muliebris), to be erected on the spot where their supplications were addressed to Coriolanus: they further ask that sacrifices may be solemnized there annually by an assembly of women, on the anniversary of the day on which they had put an end to the war. The Senate accede to this request, and order moreover that the temple shall be built at the public expense. Valeria, the author of the plan, was appointed the first priestess, and before the temple was erected she began the sacrifice on the altar, within the sacred precinct, on the calends of December in the following year, being the anniversary of the preservation of the city. The temple itself was finished two years afterwards, and consecrated on the 6th of Quintilis, by the consul Proculus Virginius (486 B.C.).

'It would be agreeable to the rules of history (says Dionysius), and would serve to correct the error of those who think that the gods neither rejoice in the honours rendered them by men, nor are offended by impious and unjust acts, if we describe the personal interference of the goddess Fortune at that time, not merely once, but on two several occasions, as the records of the pontiffs declare.'(66) He then proceeds to relate that, when the temple was consecrated, one statue of the goddess was erected at the public cost, and another from the contributions of the women. The latter of these, in the presence of many of the women, uttered in Latin the words—'The matrons have dedicated me according to law.' At first, it was thought that this was not a divine voice; but afterwards, when the temple was

(66) ὡς αἱ τῶν ἱεροφαντῶν περιέχουσι γραφαί, viii. 56.

full, and a profound silence prevailed, the statue again uttered the same words in a louder tone; so that all doubt was removed. The Senate decreed other sacrifices, according to the directions of the pontiffs; and the women, in pursuance of the directions of the priestess, laid it down as a rule, that no woman should place a chaplet, or lay her hands, on the statue, who had married a second time; and that the service of the statue should be performed by newly-married women, who had never been married before.(67)

The narrative of the preceding events, in Plutarch's Life of Coriolanus, harmonizes closely with that of Dionysius, and is doubtless in the main derived from it.(68) The same remark applies to the less copious account of Appian. Plutarch however differs from Dionysius, Livy, and the other historians, in calling the mother of Coriolanus, Volumnia, and his wife, Vergilia.(69) The account of Livy agrees substantially with that of

(67) Dion. Hal. viii. 55—6, who calls this an *ἐπιχώριος ἱστορία*. The story is repeated in Plut. Cor. 37-8, who reasons upon the truth or falsehood of the prodigy. Valerius Maximus has the following notice of it: 'Fortunæ etiam Muliebris simulacrum, quod est viâ Latinâ ad quartum milliarium, eo tempore cum æde suâ consecratum, quo Coriolanum ab excidio urbis maternæ preces repulerunt, non semel sed bis locutum constitit, his pene verbis: Rite me matronæ vidistis, riteque dedicastis;' i. 8, 4. According to Dionysius, the words of the statue were: *Ὀσίῳ πόλεως νόμῳ γυναῖκες γαμεταὶ δεδώκατέ με*, according to Plutarch, *Θεοφιλεῖ με θεσμῷ γυναῖκες δεδώκατε*. That is in Latin, 'Rite me matronæ dedicastis.' In his Treatise de Fort. Rom. c. 5, Plutarch tells the same story, and reports the words of the statue thus: *Ὀσίως* [*Ὀσίῳ* ?] *με πόλεως νόμῳ γυναῖκες ἁγναὶ καθιδρύσασθε*. Augustine Civ. Dei, iv. 19, says that the statue 'dixisse non semel, sed iterum, quod eam rite matronæ dedicaverint.' Festus likewise mentions the position of the temple, and the rule about once married women. Pudicitiæ signum in foro bovario est, ubi Æmiliana ædes est Herculis; eam quidam Fortunæ esse existimant. Item viâ Latinâ ad milliarium quartum Fortunæ Muliebris, nefas est attingi, nisi ab eâ quæ semel nupsit; p. 242. The latter rule is also adverted to by Servius ad Æn. iv. 19. Bene *culpæ* potius quam *amori*, et hoc propter antiquum ritum quo repellebantur a sacerdotio, i. e. Fortunam Muliebrem non coronabant, bis nuptæ. The disfavour with which the Romans regarded the second marriages of women is well known: see Propert. v. 11, v. 37, and the severe censure of Lucan, ii. 23. Innupsit tepido pellex Cornelia busto. Livy merely mentions the temple: 'Monumento quoque quod esset, templum Fortunæ Muliebri ædificatum dedicatumque est.' ii. 40. In general Livy is more sparing than Dionysius in the mention of supernatural incidents.

(68) Plut. Cor. 21—3; 26—39.

(69) c. 33. Appian, Dio Cassius, and Victor, de Vir. Ill. c. 19, agree

Dionysius, though it differs in many important particulars. A similar description is given of the stratagem by which the Romans are induced to offend the Volscians: the false information is, however, stated to have been given by Tullus himself.(70) Livy, like Dionysius, reports the speech of Tullus to the Volscians, after they have been expelled from Rome.(71) There is nothing in Livy about the demand of the restitution of territory to the Volscians; and the refusal of the Senate. His description of the campaign of Coriolanus differs materially from that of Dionysius; his list of captured towns is similar, but they are arranged in a wholly different order.(72) The sparing of the lands of the patricians, and the internal discord of the city, are described as in Dionysius.(73) Livy likewise agrees with him in the embassy to Coriolanus, and his answer; the two subsequent fruitless missions, and lastly, the successful supplication of Veturia and Volumnia. 'After he had withdrawn his legions from the Roman territory (Livy adds), he is said by some to have been put to death, on account of the ill-will which he had brought upon himself by his retreat; others report that he died in some other manner. It appears that Fabius (who is by far the earliest authority on the subject) believed him to have lived to be an old man; for he relates that in his advanced years Coriolanus used

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with Livy and Dionysius as to the names of the mother and wife of Coriolanus. Zonaras, vii. 16, calls the mother Veturina, and the wife Volumnia. The statement as to the death of Tullus, in Plut. c. 39, is derived from Dion. Hal. viii. 67. Polyænus, viii. 25, § 3, describes Coriolanus as driven into exile by the Romans, and as taking refuge with the Etruscans. He promises them victory, is made their general, defeats the Romans in many battles; and when marching against Rome, is met by his mother Veturia, and other matrons, who entreat him to kill them, before he takes his own city. Coriolanus is melted, and withdraws his army, but the Etruscans condemn him to death as a traitor.

(70) Livy, ii. 37.

(71) Livy, ii. 30. The report of Dionysius is brief, viii. 4.

(72) After Circeii they follow in this order: Satricum, Longula, Polusca, Corioli, Lavinium, Corbio, Vitellia, Trebia (?), Lavici, Pedum. Concerning the discrepancy of Livy and Dionysius in the campaign of Coriolanus, see Niebuhr, Hist. vol. ii. p. 95, 237. Bormann, Altlatinische Chorographie, p. 200—4.

(73) Livy mentions the pacific spirit of the plebs: 'Id modo non conveniebat; quod senatus consulesque nusquam alibi spem quam in armis ponebant; plebes omnia quam bellum malebat; ii. 39. See above, p. 57.

often to say, that the miseries of exile were greatly aggravated by old age.'(74) The other mode of death here referred to by Livy, is probably that mentioned, but at the same time discredited, by Cicero; namely, that he died by his own hand.(75)

It should be added, that there is a material variance between the chronologies of Dionysius and Livy for the story of Coriolanus. Livy places his exile, and his appearance at the gates of Rome as a conqueror, in successive years: whereas Dionysius introduces two sets of consuls unknown to Livy, and refers the events to different years, though he arranges them in the same order.(76) The following scheme will exhibit the difference:—

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(74) Abductis deinde legionibus ex agro Romano, invidiâ rei oppressum periisse tradunt; alii alio leto. Apud Fabium, longe antiquissimum auctorem, usque ad senectutem vixisse eundem invenio. Refert certe, hanc sæpe eum exactâ ætate usurpasse vocem, *Multo miserius seni exilium esse.* Livy, ii. 40. Concerning Fabius Pictor, see above, ch. ii. § 6. Dio Cassius, xviii. 12, says: *οὐδὲ τὴν κάθοδον διδομένην οἱ ἐδέξατο, ἀλλ' ἐς τοὺς Οὐόλσκους ἀναχωρήσας ἐνταῦθα ἐξ ἐπιβουλῆς ἢ καὶ γηράσας ἀπέθανεν.* The substance of these words is repeated by Zonaras, vii. 16, with the omission of *ἐξ ἐπιβουλῆς.*

(75) Nam bellum Volscorum illud gravissimum, cui Coriolanus exsul interfuit, eodem fere tempore quo Persarum bellum fuit, similisque fortuna clarorum virorum; siquidem uterque, cum civis egregius fuisset, populi ingrati pulsus injuriâ se ad hostes contulit, conatumque iracundiæ suæ morte sedavit; Brut. c. 10. Themistocles is here alluded to; in the following chapter, Atticus corrects Cicero, and says that this account of the death of Coriolanus is as fabulous as the similar account of the death of Themistocles. See Thuc. i. 138; Plut. Them. 31, and Grote, Hist. of Gr. vol. v. p. 386. The words of Cicero, as Niebuhr, Hist. vol. ii. p. 242, remarks, seem to imply that Coriolanus was not commander of the Volscian army. Cicero, likewise speaks elsewhere of the suicide of Coriolanus. 'Quis clarior in Græciâ Themistocle? quis potentior? qui cum imperator bello Persico servitute Græciam liberasset, propterque invidiam in exsilium missus esset, ingratæ patriæ injuriam non tulit, quam ferre debuit fecit idem, quod xx. annis ante apud nos fecerat Coriolanus. *His adjutor contra patriam inventus est nemo;* itaque mortem sibi uterque consivit.' De Amic. 12. What Cicero can mean, by saying that Coriolanus could find no one to assist him in attacking his own country, does not appear. In the passage from the Brutus, he describes Coriolanus as taking part in the Volscian war. The chronological statement of Cicero agrees exactly with our dates—according to which the banishment of Themistocles took place in 471 B.C., and that of Coriolanus in 491 B.C. Gellius places the exile of Coriolanus soon after the battle of Marathon, xvii. 21, § 11.

(76) See Dion. Hal. vii. 20, 68; viii. 1, 16; Livy, ii. 34. 39. Veturia, in Dion. Hal. viii. 41, speaks of the year of Nautius and Furius as the fourth year since the banishment of Coriolanus: in c. 50, she speaks of the war being in its *third* year—but, according to the narrative of Dionysius,

DIONYSIUS.	LIVY.
1. *Minucius and Sempronius.*	1. *Minucius and Sempronius.*
Coriolanus is banished.	Coriolanus is banished.
	Story of Atinius.
	The Volscian war begins.
2. *Sulpicius and Larcius.*	
Story of Atinius.	
3. *Julius and Pinarius.*	
The Volscian war begins.	
4. *Nautius and Furius.*	2. *Nautius and Furius.*
The Volscian war ends.	The Volscian war ends.
Death of Coriolanus.	Death of Coriolanus.

Such discrepancies as these are not consistent with the preservation of authentic Fasti, even in the most meagre form, if we suppose that our historians copied their authorities with fidelity.

§ 23 On reviewing the story of Coriolanus, we may first observe that it does not stand as an episode unconnected with the general course of events, but that it is closely linked with the preceding occurrences. The secession causes the lands to remain untilled, the interruption of the labours of agriculture causes a scarcity, the scarcity causes the mission to Sicily for corn, and the present of corn from Sicily occasions the proposal of Coriolanus to recover the concession of the tribunate by starving the people. This proposal produces the breach between himself and the plebeian body, and leads to his condemnation and banishment. It has been already shown, that the accounts respecting the long duration of the secession are not consistent: and it may now be added, that the details as to the missions for bringing corn are not very intelligible. It is indeed natural that all the places from which corn was sought should have been accessible by water-carriage, for at that time there were no roads in Italy.(77)

it is only the *second* year. The omission of the two pairs of consuls in Livy must not be attributed to an oversight; see iii. 30; Fischer ad a. 297 U.C.; Niebuhr, Hist. vol. ii. p. 103. It should be observed that Dionysius refers no political or military event to the year of Sulpicius and Larcius —he places under it only the festival legend of Atinius.

(77) This seems a more probable reason for the missions to Cumæ and Sicily than that suggested by Livy: Adeo finitimorum odio longinquis coegerant indigere auxiliis, ii. 34.

But no reason is assigned why Gelo, or any other Sicilian despot, should have sent a present of corn to Rome; and the chronological error of the early Roman historians, in making Dionysius the contemporary of Coriolanus, however it may be explained, throws the greatest doubt upon the authenticity of their narrative. Dionysius and Livy agree in speaking of a mission to Cumæ, and the spoliation of the ambassadors by Aristodemus; but the details of their treatment by him are wholly irreconcilable, and it seems improbable that Roman envoys should have trusted themselves to the protector of the Tarquinian exiles.(78) The long narrative in Dionysius respecting the origin of the Comitia Tributa, and of their power to try a patrician, has all the appearance of an institutional legend, like his accounts of the origin of the dictatorship and tribunate. His detailed description of the disposition of the people to acquit Coriolanus on the main charge; of the interposition of the tribune at the last moment with a supplemental accusation, not before thought of; and of the silence of Coriolanus, notwithstanding its falsehood, is destitute of all probability. The acquiescence of the patricians in the illegal change of the comitia of centuries into those of tribes is unexplained by Dionysius. Livy's account of the

(78) A very similar account of the measures taken for procuring corn during a scarcity is given by Livy for the year 411 B.C., about 80 years later. Jam fames, quam pestilentia, tristior erat; ni, dimissis circa omnes populos legatis, qui Etruscum mare, quique Tiberim accolunt, ad frumentum mercandum, annonæ foret subventum. Superbe ab Samnitibus, qui Capuam habebant Cumasque, legati prohibiti commercio sunt: contra ea benigne ab Siculorum tyrannis adjuti. Maximos commeatus summo Etruriæ studio Tiberis devexit; iv. 52. Here we have again the corn brought down the Tiber, the supplies from Sicily, and the failure at Cumæ. Since the time of Coriolanus, however, the Samnites had obtained possession of Capua and Cumæ, having driven out the Etruscans and the Greeks: see Livy, iv. 37, 44. The importation of corn from Campania in a year of scarcity is mentioned by Livy, iv. 52. In a scarcity of the year 433 B.C. the Romans send to Etruria, the Pomptine district, Cumæ, and Sicily for corn, Livy, iv. 25. Corn is also described to have been brought to Rome from Etruria in ποταμηγοὶ σκαφαί, in 440 B.C., in Dion. Hal. xii. ap. Fragm. Hist. Gr. vol. ii. p. xxxi. ed. Didot. cf. vii. 12. Compare the account in Dion. Hal. x. 54, of the supplies obtained in a later year of scarcity, 452 B.C. 'Much corn (he says) was imported, and from many different districts: most of it being brought on the public account, but some being introduced by private merchants.'

manner in which the condemnation of Coriolanus took place, differs entirely from that of Dionysius: in particular, he says nothing about the Comitia Tributa, but places their introduction in a subsequent year, long after the banishment of Coriolanus.(79) Not only are the details of the campaign of Coriolanus, in Dionysius and Livy, quite inconsistent with each other;(80) but the whole character of the campaign is inexplicable. The Volscians are represented as being in a state of quiescence, and as being merely roused into activity by the vindictive spirit of Coriolanus working upon the ambition of Tullus. One historian even describes the stratagem of the false alarm at the games as intended, not to furnish a pretext for the war, but to overcome the reluctance and inertness of the Volscians.(81) The mere presence of the Roman refugee is sufficient to convert the Volscians into a conquering nation, to detach some of the most powerful of the allies of the Romans, to reduce the Latin cities to subjection, to coop up the Romans within the walls of their city, to paralyze their military energy, to compel them to supplicate more than once

(79) ii. 58, 60. (471 B.C.) The improbability of the account of Dionysius, and its inconsistency with the account of Livy, are well exhibited by Hooke, in the note to b. ii. c. 13, of his history. Hooke says, 'I prefer the brevity of Livy to the ample and circumstantial accounts and seeming accuracy of Dionysius; because I suspect that the abundance of the Greek historian was in no measure owing to his diligence, but to his boldness in supplying from himself what he could not find elsewhere to make out his story;' vol. i. p. 418. Again he remarks: 'The many improbabilities and inconsistencies, and the long elaborate speeches in Dionysius's account of the first introduction of comitia by tribes, furnish ground to suspect, that his principal aim in that account was to get an opportunity of displaying his own talent of oratory, and not to instruct his readers by a true relation of facts;' ib. p. 422. Hooke likewise points out that Dionysius's account of the motive for introducing the Comitia Tributa is not consistent with his own statement that Coriolanus had been recently rejected for the consulship by the Comitia Centuriata, on account of anti-popular tendencies; vii. 21.

(80) This inconsistency of Dionysius and Livy is much insisted on by Niebuhr, Hist. vol. ii. p. 95, 237. 'Nothing (he says) can be less reconcilable with truth than such discrepancies; which might not indeed startle us very much in an account of Alexander's Asiatic campaigns, but could never have found place in a history where no other year furnishes the taking of more than a single town.'

(81) *ὁ δὲ ὅμιλος ἀπρόθυμος ἦν. ὡς οὖν οὔτε παραινοῦντες οὔτ' ἐκφοβοῦντες αὐτοὺς οἱ δυνατοὶ κινῆσαι πρὸς ὅπλων ἄρσιν ἠδύναντο, τοιόνδε τι ἐμηχανήσαντο,* Zonaras, vii. 16.

for peace, and to submit patiently to his scornful refusals; finally, to owe their salvation, and to rejoice in owing it, to the intercession of his mother and wife in their favour. It would seem as if Coriolanus was the only warrior in Rome, and as if the transfer of his weight from one scale to the other, absolutely determined the inclination of the balance. No such penury of captains appears at other times:(82) nor does the account given us of the state of political parties furnish any solution of the difficulty; for the Senate are hostile to concession,(83) while the plebeians would naturally be willing to serve against their inveterate enemy, in a war which their sentence of him had provoked. If the consuls were unwarlike, why was not a dictator appointed?(84) The crisis produced by the rapid and successful incursion of Coriolanus seems to be exactly of that character which called for this expedient. On other similar occasions of sudden alarm, this resource was by common consent adopted. Yet nobody is reported to have thought of so obvious a measure.(85)

If the rapidity of the campaign, the uninterrupted successes of Coriolanus, and his unresisted march to the gates of Rome, are romantic and improbable, the embassy of the matrons is an incident still less reconcilable with the rest of the story. Coriolanus, thirsting for vengeance on account of his condemnation, leaves home with the deliberate intention of joining the enemies of his

(82) The consuls for the very next year, Aquillius and Siccius, are called by Dionysius ἄνδρες ἔμπειροι πολέμων, viii. 64. Hooke, in reference to the statement of Dionysius, ix. 51, (repeated x. 38), that Sp. Cassius was 'the most distinguished man of his time in military command and political management,' remarks that 'it is somewhat surprising that when the Romans were so grievously distressed by Coriolanus, they made no use of the abilities of Cassius: we hear nothing of him during all that war. Why did not they raise him to the consulship when they most wanted such a general?' c. 19, § 2. The execution of Cassius is placed three years after the siege of Rome by Coriolanus, and therefore he was in the vigour of his mind and body at this time.

(83) Dion. Hal. viii. 36.

(84) Some reasons explanatory of the strange apathy and inaction of the Romans at this critical moment are assigned by Dion. Hal. viii. 37.

(85) In a later year, an alarm of a Volscian war, much less formidable than this, leads to the creation of a dictator; 'quod (says Livy, iv. 56) in rebus trepidis ultimum consilium erat.' See other passages to the same effect cited above, p. 47, n. 161.

country, but takes no steps for withdrawing his mother, and wife and children; though he might have sent for them after his reception by Tullus, and before the commencement of the war. They therefore remain as hostages in the hands of the Romans. The Senate allow them to go as suppliants to the haughty general, at the head of his Volscian army, though they are warned in the debate on the subject that they are parting with their best securities for his forbearance.(86) Coriolanus hates the plebeian body, both as an eager patrician partisan, and as the object of their hostile, and, as he thinks, unjust vote: he bears no love to the patricians, whom he charges with selfish cowardice in betraying him to his accusers.(87) The embassy of the women unexpectedly places his mother, and his wife and children, in his power.(88) They are in his camp, alone, unprotected, surrounded by his Volscian legions. The one remaining tie which bound him to Rome is now, by the infatuation of his countrymen and enemies, fortunately severed. Would not his first impulse be to send them to a place of safety in the Volscian territory, and to order the battering-rams to be applied to the walls of Rome? What conceivable motive has he for any other course? The appeals which his mother addresses to his domestic affections lose their force, when all the members of his family are safe, and under his protection. To his countrymen he is not only indifferent, but hostile; and there is now no reason why he should not be avenged upon them, without involving his family

(86) ἕτεροι δ' οὐδὲ ταύταις [the mother and wife of Coriolanus] ᾤοντο δεῖν ἐπιτρέπειν τὴν ἔξοδον, ἐπιμελῶς δὲ καὶ ταύτας παρήνουν φυλάττειν, ὅμηρα νομίσαντες ἔχειν παρὰ τῶν πολεμίων ἐχέγγυα, τοῦ μηδὲν τὴν πόλιν ἀνήκεστον ὑπ' αὐτῶν παθεῖν, Dion. Hal. viii. 43.

(87) Ib. c. 30.

(88) Appian, Rom. Hist. ii. 5, represents the mother of Coriolanus as saying, that she too has been wronged by the Romans in being expelled, with him, from the city: ἡ δὲ συναδικεῖσθαι ἐξελαυνομένῃ τῆς πόλεως, οὖσα μήτηρ, ἔφη. Schweighæuser is at a loss how to reconcile these words with the rest of the narrative, which imply that she is remaining in Rome: it appears however evident that they must be understood metaphorically, and that the sentiment attributed to Veturia is, that the banishment of Coriolanus is an injury done to his mother as well as to himself, and that she is virtually an exile.

in the ruin. This easy solution of the difficulty would, however, like the delivery of Helen to the Greeks, have spoiled the plot, and untied the knot by which the interest of the dramatic action was bound together. In consenting to spare the Romans, he warns his mother that he prepares his own fate;(89) thus exposing himself to certain death without any adequate motive for the sacrifice. Though the Romans have offered to receive him again in their city, he makes no attempt to return, but marches his army back to the Volscian land, expecting to be regarded as a traitor, who, having undertaken to fight against his own city, had betrayed his newly-adopted countrymen. The facility moreover with which Coriolanus withdraws his troops from Rome is surprising. A victorious army, on the eve of a crowning triumph over a formidable, successful, and overbearing enemy, is led away at a moment's notice, at the mere private caprice of the foreign general: no remonstrance is made, and the soldiers are even said not to be discontented. Where is Tullus at this time, who was the colleague of Coriolanus, and who commanded one of the two Volscian armies?(90) The withdrawal of the Volscian army by Coriolanus from before the walls of Rome, produces likewise this remarkable effect—that all the Latin towns reduced by him with such brilliant success, return to the Roman allegiance, silently and without opposition; there is no trace in the subsequent history of any struggle for their recovery.(91)

The accounts of the death of Coriolanus are inconsistent: that of his suicide may have been borrowed from the similar story respecting Themistocles; but the report of Fabius, the most ancient witness, repeated by Dio Cassius, was, that he lived to old age, as an exile, among the Volscians. This account is not only at variance with the detailed narrative of his murder by the agency of

(89) Above, p. 111, n. 62. Victor, de Vir. Ill. c. 19, says: 'Quumque nullis civium legationibus flecteretur, a Veturiâ matre et Volumniâ uxore matronarum numero comitatâ motus, *omisso bello ut proditor occisus est.*' In Zonaras, he merely says to his mother: ἀλλὰ σὺ μὲν ἀντ' ἐμοῦ τὴν πατρίδα ἔχε, ὅτι τοῦτο ἠθέλησας, ἐγὼ δὲ ἀπαλλαγήσομαι, vii. 16. After which he returned to the Volscians, and died in their country an old man.

(90) Attius Tullus is called the king of the Volscians in Plut. Cic. 1.

(91) See, on this point, the remarks of Niebuhr, Hist. vol. ii. p. 96.

Tullus, his honourable funeral at Antium, and the mourning of the Roman matrons, but also with the statement that the Romans had offered to receive him again in their city, and to reinstate him in his former rights.(92) Livy speaks of Fabius as of a witness whose antiquity gives weight to his testimony; but he lived above two centuries and a half after the time assigned to Coriolanus. Fabius was separated from Coriolanus by as long an interval as separates the present generation of Englishmen from the last years of Queen Elizabeth; and therefore even his evidence was of little or no value, unless it was founded on more ancient written monuments. At the same time, it was at least as good as that of the other historians who were subsequent to him, and whose version of the story appears to have obtained acceptance. It should be observed, moreover, that the wars between Rome and the Volscians continue with few interruptions for the twenty years next ensuing upon the march of Coriolanus to Rome, and do not even cease with the capture of Antium in 468 B.C., and its colonization in the following year.(93) As the Volscians are generally worsted in these conflicts, and forced to submit to severe terms, it is almost incredible that, if Coriolanus had remained alive in the Volscian territory, some mention of him should not occur during this period. It seems natural to suppose that, if the mutual animosity between him and his countrymen still subsisted (which the statement of Fabius implies),(94) they

(92) The people desire the return of Coriolanus, Dion. Hal. viii. 22, and the ambassadors offer it, ib. 28; see also Plut. Cor. 30; Zon. vii. 16. When the women return, the *honours* to Coriolanus are postponed by the senate, Dion. Hal. ib. 55, and the matrons mourn his death, ib. 62.

(93) The march of Coriolanus to Rome is in 488 B.C. There are wars against the Volscians in 487, 486, 485, 484, 483, 478, 471, 469, and 468, B.C. Antium is colonized in 467. The war is renewed in 462, in which year, according to Livy, iii. 8, 'Volscum nomen prope deletum est:' and Antium, which had become disaffected, and had revolted, is reduced and punished in 459 B.C. Coriolanus is stated to have first fought, as a young man (ἔτι μειράκιον) at the battle of Regillus, which is placed at 496 B.C. (Plut. Cor. 3; above, p. 30). Assuming his age to have been then 18, he would have been born in 514 B.C., and if he lived to be 70 years old, his death would have fallen in 444 B.C., that is to say, 15 years after the final reduction of Antium.

(94) The lamentation of Coriolanus over the miseries of exile to an old man proves that his banishment was not conceived by Fabius as voluntary.

would either have required the Volscians to give him up, or he would have reappeared at the head of a Volscian army. If, on the other hand, they had been reconciled, he might have been expected to return to Rome; especially as the Volscian country was no longer a safe refuge from the Roman power.

The history of the temple of Fortuna Muliebris is a religious foundation legend, and is open to the doubts which attach generally to that class of narratives. It is not unlikely (as Niebuhr has suggested) that the introduction of Valeria as the instigator of the embassy of women was intended to account for her appearance as the first priestess of this temple; whereas Veturia or Volumnia would have seemed to be the worthier recipient of this honour.(95) The story of the statue speaking(96) is not very intelligible: it is related in explanation of the custom that twice married women were prohibited from ministering to it; but the words seem rather intended to remove an idea that the dedication of the *second* statue was an unauthorized act. The Romans were extraordinarily lavish of the honours which they paid to the goddess Fortune: she was worshipped under a great variety of epithets; she bore the titles of *Virgo*, *Virilis*, *Mascula*, and *Barbata*, as well as that of *Muliebris*.(97) Every story connected

(95) Hist. vol. ii. p. 102; Lect. vol. i. p. 186. We have however no means of knowing the ground for the belief that the first priestess of this temple was named Valeria.

(96) The statue of the Veientine Juno was reported to have spoken, Livy, v. 22; who repeats the story with visible reluctance. The sweating of statues and altars, sometimes with blood, was a well-known prodigy; Livy, xxii. 1, 36; xxiii. 32; xxvii. 4; xxviii. 11. Statues likewise shed tears: Livy, xl. 19; xliii. 13; or laughed. When Caligula wished to remove the statue of Jupiter of Olympia to Rome, the ship sent for it was destroyed by lightning, and loud laughter proceeded from the statue whenever the workmen touched it; Dio Cass. lix. 28; Suet. Cal. 57. The singing of the statue of Memnon is also celebrated; see Juv. xv. 5.

(97) There were likewise the epithets Seia, Equestris, Publica, Privata, Patricia; Plebeia, Libera, Punica, Fors, Hujus diei, Liberûm, Respiciens, Obsequens, Comes, Bene sperans, Brevis, Dubia, Blanda, Mala, Prava, Averrunca, Stata, Redux, Primigenia, &c. See Hartung, Religion der Römer, vol. ii. 233—9. Tacit. Ann. iii. 71, states there were many temples of Fortune at Rome. The frequent habit of invoking Fortune is reprehended by Pliny, H. N. ii. 5. Compare Plutarch's Treatise de Fortunâ Romanorum. The worship of Fortune was connected with the belief of the ancients in the nemesis of the gods. Their theology forbad a man

with the foundation of a temple, at a period anterior to contemporary registration, is suspicious:(98) but what portion of historical truth is contained in the embassy of the women to Coriolanus, and how it became connected with the temple of Fortuna Muliebris, it is impossible for us to discover.

The treatment to which Niebuhr subjects the story of Coriolanus, throws much light upon his historical method in this period of the Roman annals. He considers it to consist of a nucleus of truth enveloped with poetical embellishments.(99) He believes Coriolanus to have taken advantage of a present of corn from Sicily(100) to recover the concession of the tribunate, to have been banished for this offence against the plebeians; and to have avenged himself by joining the enemies of his country:(101) but he gives to these events a totally different complexion, and places them twenty years lower down, after the disaster of the

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to attribute his success to his own acts: it was to be ascribed to Fortune, or to some divine influence not within his control. See on this subject the remarks of Plutarch, Sylla, c. 6, who tells an anecdote of Timotheus the Athenian having boasted that his success in a campaign had not been owing merely to Fortune: in consequence of the opposition of the deity (*ἀντιμεμφακιεύεσθαι τὸ δαιμόνιον*), he never prospered again.

(98) Concerning the connexion of the tradition with this temple, see Niebuhr, Hist. vol. ii. p. 101; Lect. vol. i. p. 147, 186.

(99) 'Poetical invention seems to have allowed itself free scope in this story; and so the whole of it must be excluded from history. While the legend of Camillus has only stifled the historical tradition in a few passages, that of Coriolanus has done so in its whole extent; and so completely, that it is difficult to make out the place it belonged to. We are even liable to mistake the discords of the annalist for the notes of the poet;' Hist. vol. ii. p. 243. 'Nothing is historically known about Coriolanus, beyond the fact that he wanted to break the contract with the plebeians, and that he was condemned in consequence. His subsequent history is equally apocryphal. . . . We cannot say that the whole history of Coriolanus is a fiction; he is too prominent a person in Roman tradition to be altogether fabulous. But as regards the statement that he was a commander of the Volscian armies, it must be traced to the natural feeling that it is less painful to be conquered by one's own countrymen than by foreigners,' &c.; Lect. vol. i. p. 189.

(100) 'I do not at all doubt the Senate's having had such corn: the only question is whether it was a present from Sicily;' Niebuhr, Hist. vol. ii. n. 199. 'The proposition of Coriolanus [for the abolition of the tribunate] is no invention of the annalists; they only wanted to devise a plausible explanation how the Senate came to have corn;' ib. p. 243.

(101) 'The common tradition is that he now went to the Volscians. This is true (and up to this point indeed, I believe the whole story); but his going to Attius Tullus at Antium is apocryphal;' Lect. vol. i. p. 187.

Cremera.(102) He dresses the incidents in a rationalized form, and changes their chronology; thus entirely inverting the historical sequence of this period.(103) He supposes the famine to have occurred not in the year 492 B.C., two years after the secession, but to be that described in 476 B.C.,(104) and he believes Hiero, who then governed at Syracuse, to have sent the present of corn to Rome.(105) According to his reconstruction of the story, the negotiation with Coriolanus typifies the peace made with the Volscians in the year 459 B.C. Coriolanus followed the Volscian standards as the leader of a band of Roman exiles, whose recall, as well as his own, he demanded of his countrymen; but the entreaties of his wife and mother induced him to withdraw his little army: he then returned to the country of the Volscians, and died there an exile in his old age. All detailed examination of a hypothesis which so far transcends the legitimate bounds of historical speculation seems superfluous.(106) If we suppose the

(102) Ib. p. 99, 233; Lect. vol. i. p. 185. Dr. Arnold, 'addictus jurare in verba magistri,' adopts this hypothesis; Hist. Rom. vol. i. p. 189.

(103) After having remodelled the first part of the story, according to his own views, Niebuhr adds: 'All that remains to be done, in order that the legend, being now referred to its proper date, *may be freed from all absurdity*, that it may harmonize perfectly with the traditions in the annals, may form a complement to them, and infuse life into them, is to explain how he came to war against his native city;' Hist. ib. p. 100. This describes a process of reduction which Niebuhr himself condemns when applied to the purely mythical period.

(104) See Livy, ii. 51-2; Dion. Hal. ix. 25 (consulship of Virginius and Servilius).

(105) The reign of Hiero extended from 478 to 467 B.C.

(106) Hist. ib. p. 239—44. 'That a number of Romans were living in exile at this time, is proved by the enterprise of Appius Herdonius: descendants of the Tarquinian party, profligate patricians and plebeians formed a motley crew. These, his companions in misfortune, Coriolanus demanded should be recalled as well as himself: *this is as indubitably certain as if every historian attested it;*' ib. p. 240.

'At that time there still existed a great many who had emigrated with the Tarquins, and they gathered together wherever they found a rallying point; now I believe that Coriolanus, after withdrawing to the Volscians, formed such a rallying point for them. As he thus found a small army of Roman emigrants who were joined by Volscians, he marched with them to the Roman frontier, not that he imagined he would be able to force his way through the gates or walls of Rome, but he encamped near it and declared war. . . . The Republic invited him to return; *the entreaties of his mother, his wife, and the other matrons, who implored him, can have no other meaning than that he should return alone and not bring with him that ter-*

story of Coriolanus to be derived from contemporary records, or even from a faithful oral tradition, registered at a subsequent time, we must accept it in the main, as it stands. If, on the other hand, we are unable to trace it up to any trustworthy source, if we find moreover that the extant accounts differ from each other in material points, and that the narrative is deficient in internal probability and consistency, our reliance on its credibility must be slight. But to recast the story, retaining its substance, but rejecting all its accessories, and to transplant it to another chronological period, where it has different antecedents and different consequents, is a process wholly inadmissible. Operations of this sort do not enable Niebuhr to accomplish his promised restoration of 'a genuine, connected, substantially perfect history.'

The story of Coriolanus has every appearance of having, even

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rible band of men. He probably answered that he could not return alone, and forsake his companions. . . . . I believe that Fabius was right in asserting that Coriolanus lived in exile among the Volscians to his old age. The statement that Rome was on the brink of destruction is probable, and it may be admitted that the description of the distress is not quite fictitious;' Lect. vol. i. p. 190. Dr. Arnold thus speaks of Niebuhr's hypothesis: '*It would be a beautiful story*, could we believe that Coriolanus joined the conquering Æquians and Volscians with a body of Roman exiles; that the victories of foreigners put it in his power to procure his own recal, and that of his companions, but that, overcome by the prayers of his mother, he refrained from doing such violence to the laws of his country; and, contented with the conquests of his protectors, he refused to turn them to his own personal benefit, and chose rather to live and die an exile, than to owe his restoration to the swords of strangers;' ib. p. 189. If the question is to be decided on grounds of poetical beauty or dramatic interest, the story of the Roman historians is immeasurably superior to the rationalized version of Niebuhr: all that recommends the modern version is its supposed historic truth; but it is a mere hypothesis, unsupported by a single fragment of evidence. Niebuhr likewise rewrites the history of Tullus Attius, the Volscian general, and places him in a new position; Hist. ib. p. 105. This transposition of the story of Coriolanus is condemned by Goettling, Geschichte der Röm. Staatsverfassung, p. 301. Becker, ii. 2, p. 279, says that doubts may be entertained respecting the received chronology of the plebiscitum of Icilius and the trial of Coriolanus by the tribes; but that we are not justified in going beyond a doubt.

The chronology of Coriolanus is fixed not only by the historians, but also by Cicero, who says that his banishment was twenty years earlier than that of Themistocles (above, n. 75). Eusebius, Chron. p. 342, places the loss of Corioli by the Volscians in the fifteenth year of the Republic, and the withdrawal of the army by Coriolanus from Rome in the twenty-first year =488 B.C.

in its original state, been formed out of oral accounts, preserved by tradition. What was the authenticity of these accounts, what portion of truth was imbedded in them, by whom and at what time they were collected, it would be vain for us now to inquire. In substance, the story was of indigenous growth; the only circumstances in it which appear to be borrowed from Greece, are the sitting of Coriolanus on the hearth of Tullus,(107) the sparing of the lands of the patricians,(108) and his supposed suicide. Dionysius describes the character of Coriolanus,(109) as if it had been as well ascertained as that of Themistocles; and represents his fame as being still fresh among the Romans in his own time.(110) It is however remarkable that he is scarcely ever mentioned in the whole circle of Latin literature: even the touching incident of the embassy of the women does not receive an allusion. Cicero speaks of him once in reference to his bearing arms against his country, and twice in reference to his supposed suicide.(111)

§ 24 Notwithstanding the retreat of Coriolanus, the Volscians and Æquians lose no time in forming a joint expedition against Rome, and in invading its territory. A quarrel however arises between the two armies, and instead of attacking the Romans, they fall upon one another. After this action, they

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(107) Compare Dion. Hal. viii. 5 with Thuc. i. 136, 137; Plut. Them. 24. The custom of suppliants sitting on the hearth was very ancient in Greece. See Odyssey, vii. 153, where Ulysses is described as placing himself in the ashes near the fire, in the palace of Antinous. The Greek custom is fully illustrated by Mr. Grote, vol. ii. p. 108.

(108) See Thuc. ii. 13; Grote, vol. vi. p. 171.

(109) viii. 61. The absence of mildness and graciousness, and a love of severe justice, are described as his characteristics.

(110) *ἐτῶν δὲ μετὰ τὸ πάθος ὁμοῦ τι πεντακοσίων ἤδη διαγεγονότων εἰς τόνδε τὸν χρόνον, οὐ γέγονεν ἐξίτηλος ἡ τοῦ ἀνδρὸς μνήμη, ἀλλ' ᾄδεται καὶ ὑμνεῖται πρὸς ἁπάντων, ὡς εὐσεβὴς καὶ δίκαιος ἀνήρ*; c. 62. The *εὐσέβεια* of Coriolanus is likewise mentioned as a reason for allowing the women to go to his camp; above, c. 43. The *piety* and *justice* of Coriolanus were celebrated on account of his yielding to the entreaties of his mother and wife, and sparing his country. Five hundred years is taken as a round number.

(111) Above, n. 75; De Amic. 11. In his sketch of the Roman history in the *Republic*, he omits Coriolanus: he passes from the first secession to the attempt of Sp. Cassius; ii. 34-5. This however may be accounted for by his confining himself to constitutional changes.

return home, but the Roman consuls, who had led out an army to meet them, take no advantage of their weakness.(112) In the next year, great military preparations are made by the new consuls, Aquillius and Sicinius. The former defeats the Hernicans, takes their camp, and ravages their country. The latter, according to Dionysius, gains a great victory over the Volscians, in which Attius Tullus falls : Livy however says that neither side has the advantage.(113) Under the next consuls, Virginius and Spurius Cassius, the lands of the Æquians are ravaged, the Volscians sue for peace, are subjected to war-contributions, and become the subjects of the Romans. The Hernicans likewise submit to the terms imposed on them by Cassius. Such is the narrative of Dionysius.(114) Livy says nothing of the Æquians and Volscians ; of the Hernicans he reports that, a treaty was made with them, and that they were mulcted of two-thirds of their territory.(115) The accounts given by our two historians of the time immediately succeeding the campaign of Coriolanus, do not altogether agree ; nor can either of them be easily reconciled with the previous events. It seems strange that at the very moment when Coriolanus is drawing off his Volscian army from Rome, another Volscian army should march with the Æquians against Rome. Although the Romans are unable to face Coriolanus, the consuls take the field in order to meet the other joint army. In the following year, according to Dionysius, the Romans form three armies, one of which defeats the Hernicans, the other defeats the Volscians, and the third guards the suburban district : and in the next year the Volscians appear as suppliants for peace, pay a tribute, and become Roman subjects. There is nothing but the single presence of Coriolanus to account for the abject depression of the Romans when he attacks them, and their allies and colonies ; compared with their decisive supe-

(112) Dion. Hal. viii. 63 ; Livy, ii. 40 : Plut. Cor. 39.

(113) Dion. Hal. ib. 64-7, who says that Siccius had a triumph and Aquillius an ovation. Livy, ii. 40, calls the consul Sicinius, and says that the Volsci fell to his province, and the Hernici to Aquillius. 'Eo anno Hernici devicti ; cum Volscis æquo marte discessum est.'

(114) ib. 68. (115) ii. 41.

riority over the Volscians, as soon as he is withdrawn.(116) In these conflicts, moreover, the Latin towns are conceived as being on the side of the Romans: nothing is said of their reduction—the change in the disposition of Coriolanus, produced by his mother's entreaties, not only occasions the retreat of the army, but obliterates all the effects of his previous conquests. It will be mentioned presently that the Latins (whose towns had been reduced by Coriolanus) are treated in this year as the faithful allies of Rome.

§ 25 The consulship of Sp. Cassius is rendered famous by his proposal of the first agrarian law, by his alleged attempt at supreme power, and by his tragic end. According to Dionysius, his numerous honours, and his recent successes against the two powerful nations of the Volscians and Hernicans had elated his mind, and inspired him with the thought of making himself monarch. In order to conciliate the favour of the people, he meditates a proposal for a division of the public land; and he contemplates the inclusion of the Latins and Hernicans within the benefits of this measure, to which nations he stood in a peculiar relation; for in a former consulship he had made the treaty which conferred equal rights of citizenship on the Latins, and in this year he had granted the same terms to the Hernicans. After his triumph, he makes a speech to the people, recounting his exploits, and promising them some great boon. On the following day, he convenes the Senate, and opens to them his proposals: these are—First, to divide among the citizens all land conquered from the enemy, which was public only in name, but was in fact occupied, without a shadow of right, by patricians; secondly, that whereas the corn given to the state by Gelo, was sold to the people, instead of being distributed among them gratuitously, the purchasers should be reimbursed the

(116) Dionysius attempts to account for this sudden change as follows: *μετέμαθον γὰρ Οὐολοῦσκοι πάντα τὰ πολέμια, ἐξ οὗ Μάρκιον ἔσχον ἡγεμόνα, καὶ εἰς τὰ Ῥωμαίων προσεχώρησαν ἔθη*, c. 67. This is in the year immediately succeeding the expedition of Coriolanus. Lower down, however, c. 84, he says that the Volscians resembled the Romans in military skill and discipline, since they had been under Coriolanus.

price of it out of the public treasury. It is implied, but not stated, that the Latins and Hernicans were included in the agrarian scheme of Cassius: so that it would have led to their practical admission to the benefits of the Roman commonwealth. The propositions of Cassius are violently opposed by his colleague, Virginius, and by the Senate. Each consul forms a party, and agitates the people in favour of his own views. The tribunes however, jealous of a popular measure which does not originate with themselves, oppose Cassius, on the ground that the Latins and Hernicans ought not to be included within the law, and that its benefits ought to be confined to their own countrymen. Cassius nevertheless succeeds in resisting the influence of the tribunes, and inclining the people to accept his proposition, when Rabuleius, one of the tribunes, comes forward at an assembly of the people, and undertakes to settle the question. He asks Cassius and Virginius whether the proposed law does not consist of two parts: the first, that there should be a division of the public land among individual citizens; the second, that the Latins and Hernicans should be among the recipients. They answer this interrogation in the affirmative. In answer to another question, Virginius declares that he is ready to assent to the division among their own citizens, but that he cannot agree to include the other nations. 'Let us then,' says Rabuleius, 'now adopt that part of the measure to which both consuls agree, and postpone that part as to which they differ.' The people approve of this advice, but Cassius is reluctant. He feigns illness for a time, and collects Latins and Hernicans into the town in order to be ready for the day of voting. Virginius however dismisses all who are not residents.(117)

The Senate take alarm at these factious proceedings, and meet in order to deliberate on the course to be pursued, and Appius Claudius is the first to deliver his opinion. He opposes the division among the people, and recommends that some Senators be appointed, whose duty it shall be to define the public

(117) Dion. Hal. viii. 68—72.

land, and to eject all persons who have gained encroachments upon it, either by force or fraud: when the boundaries have been laid down, and marked with pillars, to sell a portion of the land, especially where the title is in dispute,(118) and to let the rest for a term of five years: the money thus arising to be applied to the maintenance of the troops, and to the provision of military stores. 'At present (he said) the poor justly grudge the rich their usurpation of the public land; and it is natural that they should demand a division of the common property among all the citizens, rather than allow it to be monopolised by a few unscrupulous men. But if they see the present occupiers ejected, and the public land really applied to public objects, they will no longer cherish hostile feelings towards us, and will cease to wish for a division of the land; believing that a common enjoyment of the whole will be more profitable to them than a separate possession of a small portion. Let us show them that a poor man, receiving a small piece of ground, will not, on account of his poverty, be able to cultivate it, nor will he find any tenant for it, except a neighbour: but that large tracts of land, let by the state, affording ample facilities for cultivation, will produce large returns; and that it is better for them, when they go out to war, to receive food and pay from the public treasury, than to contribute war taxes out of narrow and reduced means.'(119) Appius is followed by A. Sempronius, who concurs in his views, but disapproves of the extension of the measure to the Latins and Hernicans, inasmuch as the land had been conquered before their admission to the rights of equal citizenship, and recommends that a portion of the public land should be divided among the poorer citizens, in addition to that which is let.(120) No further debate takes place, and these re-

(118) The text is imperfect in this place, but the sale, as well as the letting of land, is clearly mentioned. Nothing is said of sale, either in the subsequent speech of Sempronius, or in the decree of the Senate. The sale, as well as the letting of the public land, is mentioned in Appian, B.C. 1.7; Plutarch, Tib. Gracch. 8. Compare Marquardt, vol. iii. part i. p. 14.

(119) Ib. c. 73.

(120) Ib. c. 74-5.

commendations are embodied in a decree of the Senate, to the following effect: 'that ten of the senior consulars should be appointed to define the public land, and set out a part to be let on lease, and a part to be divided among the people: that if any land should hereafter be acquired in campaigns in which the allied nations serve, they shall receive their share according to the agreement; and that the incoming consuls shall appoint the ten commissioners, and take the other measures for carrying the decree into effect.' When this decree was made known to the people, it silenced the agitation of Cassius, and appeased the popular discontent.(121)

§ 26 Under the new consuls, Q. Fabius and S. Cornelius, a charge of aiming at regal power is brought against Cassius by Kæso Fabius, the consul's brother, and L. Valerius, nephew of Publicola,(122) both patricians; and he is tried by the people. The principal facts urged in support of this accusation are, that he made undue concessions to the Latins and Hernicans, for the purpose of gaining their adhesion; that he was about to use force for carrying his agrarian law; and that he received secret supplies of money and arms from the Latins and Hernicans. The people find him guilty, and, warned by the recent example of Coriolanus, condemn him not to exile, but to death. The sentence is executed by the quæstors, who throw him down the Tarpeian rock.(123)

'Such (says Dionysius) is the more credible of the accounts handed down concerning Cassius: but the less credible one must not be passed over, inasmuch as it is believed by many, and is contained in trustworthy books.' This version is, that his father suspected his designs, and having by close inquiry satisfied him-

(121) Ib. c. 76. Niebuhr supposes that the plan of Cassius was in fact that which Dionysius ascribes to the Senate; Hist. vol. ii. p. 166. This hypothesis, which supposes the narrative of Dionysius to be fictitious, is adopted by Dr. Arnold, vol. i. p. 160.

(122) The text here has ἀδελφὸς, but in c. 87, he is called 'L. Valerius the son of Marcus:' that is, apparently, the son of Marcus the brother of Publicola. See above, p. 30.

(123) Ib. c. 77.

self of his son's guilt, denounced him to the Senate, who condemned him; the father then took him to his house, and put him to death. Dionysius considers this story quite consistent with the severity of Roman fathers on other occasions: his reason for rejecting it, and preferring the other account is, that the house of Cassius was destroyed, and the site kept vacant, near the temple of Tellus; his property was also confiscated, and some statues, with inscriptions recording the fact, were still preserved in the temple of Ceres: whereas if his father had been alive, he could not, according to the Roman law, have had either house or property.(124) It may be observed that in preferring one of these accounts to the other, Dionysius relies exclusively upon arguments of internal probability, and says nothing about the character or antiquity of his witnesses. A proposal to put the sons of Cassius to death was rejected by the Senate; which decision, according to Dionysius, was the origin of the Roman practice (different from the Greek) of sparing the children of malefactors.(125) The patrician party were however encouraged by the execution of Cassius to withdraw the concession with respect to the public land; under the new consuls the decree of the Senate remained unexecuted; and the people repented that they had condemned their champion.(126)

The brief account of Livy agrees in substance with that of Dionysius, though many of the particulars are different, and many of the facts are arranged in a different series. According to him, Cassius, having conquered the Hernicans, allowed them to retain one-third of their land, and was about to divide the other two-thirds, half among the Roman plebs, and half among the Latins.(127) To this he added some public land, which he

(124) Ib. c. 79.

(125) Ib. c. 80. The Greek rule was embodied in a proverbial verse, attributed to the old epic poet Stasinus: *νήπιος ὃς πατέρα κτείνας παῖδας καταλείποι.*

(126) Ib. c. 81.

(127) Dr. Arnold adopts as a fact the statement of Dionysius respecting the admission of the Hernicans to the same rights as the Latins, and assumes that they were entitled to a third part of the lands conquered by the confederates: he supposes that the statement of Livy was an erroneous

declared to be unjustly occupied by patricians. The other consul condemned his bounty to the Hernicans, in restoring a third part of their land, and to the Latins, in putting them on an equal footing with the Romans in the division. He threw suspicion on the motives of Cassius; and accused him of monarchical designs; but declared his willingness to agree to the division of land, provided that none but Romans were benefited.(128) In order to remove the imputation of benefiting the Latins equally with his own citizens, Cassius proposes that the money obtained by the sale of the Sicilian wheat should be repaid.(129) This proposal appears to the people too manifestly prompted by a mere desire of popularity. He was believed to be aiming at regal power: and as soon as his term of office had expired, he was tried, condemned, and executed. The most credible account is that he was accused of a capital offence by the quæstors, Kæso Fabius and L. Valerius, and condemned by the people: and that his house was demolished—the site of which is in front of the temple of Tellus. Another account is that he was put to death by his father—who consecrated his *peculium*; and that a statue was erected by means of it, with the inscription, 'Ex Cassiâ familiâ datum.' By the latter explanation, Livy obviates the objection of Dionysius to the story of the execution by the father; for the son could have a *peculium* (like a slave) in his father's lifetime.(130) He does not however

representation of it; vol. i. p. 153. Compare Niebuhr, ib. p. 167. Livy's statement however is quite clear: it is inconsistent with that of Dionysius; and we have no reason for preferring one to the other.

(128) In this statement as to the course taken by Virginius, Livy agrees exactly with Dionysius: see the answer to Rabuleius, above, p. 130. Livy represents Virginius as warning the people that Cassius will play the part of Coriolanus over again.

(129) Both historians state that the case of Coriolanus was referred to, and that Virginius proposed to return the price of the Sicilian wheat to the purchasers. Both these circumstances are inconsistent with the hypothesis of Niebuhr, which transfers the story of Coriolanus and the present of Sicilian corn to a subsequent date.

(130) See Mr. Long's art. on *patria potestas* in Dr. Smith's Dict. of Gr. and Rom. Ant. Compare Juv. xvi. 51-4.

> Solis præterea testandi militibus jus
> Vivo patre datur. Nam quæ sunt parta labore
> Militiæ, placuit non esse in corpore census,
> Omne tenet cujus regimen pater.

attempt to reconcile with it the demolition of the house, and the preservation of the open area near the temple of Tellus. Cicero speaks of the treasonable designs of Cassius, in aiming at monarchical power,(131) and says that he was executed for this cause. His account is, that Cassius was accused by the quæstor, and that his father, being satisfied of his guilt,—the people making no resistance,—put him to death.(132) He likewise states that the house of Cassius was demolished, and the temple of Tellus built on its site.(133) Valerius Maximus twice mentions the execution of Cassius for the same offence: but in one place he ascribes it to the father,(134) in the other to the Senate and people:(135) connecting with the former the consecration of the peculium, with the latter the demolition of the house, and the erection of the temple on its site. Florus and Pliny state that Cassius was executed by his father.(136) Piso, a contemporary, related that in the year 158 B.C. the statue of Sp. Cassius, who had aimed at regal power, formerly erected by himself in the temple of Tellus, was melted down by the censors.(137) It seems impossible to reconcile this account with the statements respecting the levelling of his house; for this statue would doubtless have been removed at the same time. According to Pliny, the earliest brazen statue at Rome was that made from the peculium of Cassius, and dedicated to Ceres.(138)

Dio Cassius says that Cassius, though the benefactor of the people, was put to death by them, with their accustomed fickleness, from jealousy of his power.(139) The opinion advanced by

(131) Phil. ii. 44; de Amic. 11.
(132) De Rep. ii. 35.
(133) Pro domo suâ, 38.
(134) v. 8, 2. In this passage he is described as having introduced his agrarian law as a *tribunus plebis*.
(135) vi. 3, 1.
(136) Florus, i. 26; Plin. N. H. xxxiv. 9.
(137) Ap. Plin. H. N. xxxiv. 14.
(138) N. H. xxxiv. 9.
(139) Dio Cass. xix. His meaning is misrepresented by Niebuhr, Hist. vol. ii. p. 170. He does not mean to accuse the patricians of his death. Zonaras makes no mention of Cassius; see vii. 17. Cicero explains the conduct of the people by saying that they acquiesced in the execution of Cassius by his father, and did not interfere to prevent it.

Hooke is, that 'Cassius was neither publicly nor privately convicted of aiming at the tyranny, but was murdered by the nobles either secretly, or by a mob which they excited to do it, in revenge for his honest attempt to strip them of their usurpations.'(140) Niebuhr takes a similar view as to the probable cause of the death of Cassius; but thinks that in aiming at monarchical power he was influenced by patriotic motives, and that he was the most remarkable man of this period.(141) When we consider the uncertainty which often prevails as to the motives and merit of state criminals, even in times of cotemporary history, of indictments and public trials, of short-hand writers, printing, and newspapers; it seems impossible to form any well-grounded judgment respecting the conduct of Cassius, as to whom facts of such public notoriety as the mode of his trial and execution are differently reported. It is incredible that his contemporaries should not have known whether he was tried and condemned by the people, or was privately executed by his father, after an examination before the Senate. The references to the space in front of the temple of Tellus, or to the site of the temple (for the statements differ), and to the brazen statue of Cassius (as to which there are two wholly inconsistent accounts), wear the appearance of monumental legends: the inscription 'ex Cassiâ familiâ datum' may have been ancient and genuine; but it proves nothing in support of the traditionary story.

The discussions and propositions respecting the agrarian law of Cassius are set out by Dionysius with a minuteness and fulness which suggests the idea that a Roman Hansard or Annual Register for the year 486 B.C. was lying open before him.(142) Yet this painstaking historian was unable to ascertain

(140) Rom. Hist. b. ii. c. 14.

(141) Ib. p. 170-1; Lect. vol. i. p. 150. Dr. Arnold adopts Niebuhr's view; ib. p. 163. Aristotle, Pol. v. 5 and 10, states that almost all the Greek despots acquired their power by being demagogues—he makes this remark particularly with respect to those of ancient times.

(142) 'One cannot help doubting, whether, in all that is said of the agrarian law of Cassius, there is a single point that comes from any other source, than the desire of the later writers to give some account of so important a measure;' Niebuhr, Hist. vol. ii. p. 166.

so material a fact as the mode of his trial and execution. It is plain both from his account and Livy's, that they conceived the agrarian law of Cassius as referring exclusively to public land, acquired by conquest, and annexed to the Roman dominions.(143) It is admitted even by Appius (in the debate reported by Dionysius) that much of this public land is occupied by patricians, who have settled without any title, or according to the modern colonial phrase, have *squatted* upon it. The patrician wrong-doers are assumed to occupy large portions of land, and to cultivate them by slaves. Cassius proposes to eject these

(143) The great merits of Niebuhr in explaining and illustrating the agrarian system of Rome have been universally recognised. See his Hist. vol. ii. p. 130—165; Lect. vol. i. p. 152-4. That the Roman agrarian laws, referred to public not to private land, had however been clearly pointed out by Heyne, in his Dissertation entitled 'Leges Agrariæ, Pestiferæ et Execrabiles,' read in 1793 (Opuscula, vol. iv. p. 350), to which Niebuhr states that he owed his conviction of this truth; Hist. vol. ii. p. 133; and had been perceived by Hooke and other writers. It is difficult to understand how anybody who had read the account of the agrarian law of Cassius, in the history of Dionysius, and the subsequent transactions growing out of it, could have formed any other idea of its nature. No language can be more perspicuous or decisive. The true character of the Roman agrarian laws was not indeed fully comprehended by Machiavel, whose studies of Roman history seem to have been nearly confined to Livy: but his errors are exaggerated by Niebuhr. 'Machiavel (says he) believed simply that the agrarian laws established a limit for landed property, and assigned the rich man's surplus to the needy. He adds that the interests of every republic demand that the state should be rich, and the citizens poor: and that at Rome the laws requisite for this end seem either to have been wholly wanting in earlier times, or to have been framed imperfectly, or to have been insensibly relaxed;' ib. p. 131. In the chapter of his Discorsi, in which he discusses this subject, he says that an agrarian law consisted of two main heads: 1. that the land possessed by each citizen should not exceed a certain amount. 2. that the lands taken from the enemy should be divided among the Roman people. 'Aveva questa legge duoi capi principali. Per l'una si disponeva che non si potesse possedere per alcun cittadino più che tanti jugeri di terra; *per l'altro che i campi di che si privavano i nimici si dividessero tra il popolo Romano.* Veniva pertanto a fare di due sorte offese a' nobili, perchè quelli che possedevano più beni che non permetteva la legge (quali erano la maggior parte de' nobili) ne avevano ad esser privi, *e dividendosi tralla plebe i beni de'nimici, si toglieva a quelli la via dello arrichire;*' i. 37. It appears therefore that, according to Machiavel's view, one of the main objects of the agrarian laws was the division of the conquered lands among the plebeians. His supposition that the limit of 500 acres imposed by the Licinian law extended to private property, is held by Niebuhr to be erroneous; but his opinion on this point is still maintained by creditable and learned writers. See Mr. Long's Essays in the Classical Museum, vol. ii. p. 254, 307; Prof. Puchta's Answer, vol. iii. p. 67, and Mr. Long's Reply, ib. p. 78.

squatters, and to divide the land in small portions among the poorer citizens, who it was presumed would cultivate them by their own labour. Appius, on the other hand, though concurring in the proposal for the dispossession of the patrician squatters, recommends a policy similar to that which was propounded by Mr. Wakefield for the disposal of waste lands in colonies, and is now the law of the Australian settlements; he advises that the state, instead of dividing the land gratuitously, should sell it or let it on lease, and thus make a fund to be applied to military purposes. This plan, with some modifications, is represented by Dionysius as having been embodied in the decree of the Senate. The arguments placed in the mouth both of Appius and Sempronius show that public land is alone in question; and that the agrarian law of Cassius was not understood to apply to private property, held by a good title, more than a colonial land act would now be understood as referring to sales by private proprietors. But in the uncertainty which exists respecting the accounts of these times, we are unable to judge of the grounds on which the narrative may rest: thus much however is clear, that the plan of selling or letting the public lands of Rome, and of raising a revenue to the state from this source, instead of granting them gratuitously, had been the subject of practical discussion before the time of Dionysius. If this plan had been early adopted, and steadily adhered to, it would probably have mitigated the violence of those intestine troubles, which (as Livy says on this occasion) continued, throughout the whole duration of the Republic, to accompany the proposal of an agrarian law.(144) The payment of a price for the land would have diminished the number and eagerness of the competitors; and the profit accruing to the state would have given to the tax-paying classes an interest in maintaining the system. The real opposition to an agrarian law arose from those who, by occupying the unappropriated land of the state,

(144) Tunc primum lex agraria promulgata est; nunquam deinde usque ad hanc memoriam sine maximis motibus rerum agitata; Livy, ii. 41.

and employing their capital and slaves in its cultivation, had acquired a possessory right to it, to which the greater deference would be shown in antiquity, in proportion as the terms of prescription recognised by law were shorter than in modern times.(145) Even at present, however, the ejectment of encroachers upon a common by the lord of the manor, and of squatters by a colonial government, when conducted on a large scale, is a measure met with great resistance, and involving much difficulty.

§ 27 An account of the burning of nine tribunes is connected with this period, and with Cassius: for P. Mucius, one of the tribunes of the plebs, is said to have inflicted this punishment upon his nine colleagues, who, at the instigation of Sp. Cassius, offered some improper opposition to the subrogation of magistrates.(146) A mutilated passage of Festus, which probably refers to the same event, appears, so far as it can be restored, to describe some military tribunes in the army of Sicinius, the consul of the year 487 B.C., as the subjects of this punishment,

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(145) The division of unoccupied public land is distinguished from the resumption of public land wrongfully occupied by patricians, in a note against Vertot in Hooke's History, b. ii. c. 19. Hooke lays it down that the division admitted of no difficulty, and he argues that the length of possession had not been sufficient to render the resumption unjust.

(146) Idem sibi tam licere P. Mucius tribunus plebis quam senatui et populo Romano credidit, qui omnes collegas suos, qui duce Sp. Cassio id egerant, ut, magistratibus non subrogatis, communis libertas in dubium vocaretur, vivos cremavit. Val. Max. vi. 3, 2. Dio Cass. xx. refers to the same transaction: *ἐννέα γάρ ποτε δήμαρχοι πυρὶ ὑπὸ τοῦ δήμου ἐκάθησαν.* Compare Zon. vii. 17. Niebuhr, vol. ii. p. 416, inclines to the opinion that the passages of Valerius, Dio, and Cassius, all refer to the same event.

The following stipulation, which Diodorus states to have formed part of the compact between the plebeians and patricians, under the decemvirate at the second secession (449 B.C.), appears to be a general expression of the occurrence described by Valerius Maximus: *ἐν δὲ ταῖς ὁμολογίαις προσέκειτο, τοῖς ἄρξασι δημάρχοις τὸν ἐνιαυτὸν ἀντικαθιστάναι πάλιν δημάρχους τοὺς ἴσους, ἢ τοῦτο μὴ πράξαντας, ζῶντας κατακαυθῆναι,* xii. 25. This stipulation is probably borrowed from the Duilian law, in Livy, iii. 55: qui plebem sine tribunis reliquisset—tergo ac capite puniretur. Livy states that in the negotiation which took place at the second secession, the plebeians demanded that the decemvirs should be given up, in order that they might be burnt alive. 'De decemvirorum modo supplicio atrox postulatum fuit. Dedi quippe eos æquum censebant, vivosque igni crematuros minabantur;' iii. 53.

and not to connect the occurrence with Cassius.(147) The event is not mentioned either by Dionysius or Livy, and we are ignorant on what authority it is reported. Their silence as to so remarkable an incident raises a presumption that it was not mentioned by the historians whose writings they consulted.

§ 28 In the next years there are hostilities against the Veientes, Volscians, and Æquians, which are not similarly represented by the two historians. The Volscians, so lately described by Dionysius as reduced to subjection by the Romans, now, according to him, contend with them on equal terms. Livy on the other hand says that they were defeated in a successful battle.(148) The policy of the patricians in fomenting external wars, in order to appease internal discords, is again adverted to.(149) On the other hand, the tribunes exert their influence to prevent the people from enrolling themselves as soldiers, so long as the agrarian decree remains unexecuted. Dionysius mentions a contrivance adopted by the consuls with success on this occasion, for overcoming the resistance of the tribunes. They placed their chairs of state in the plain outside the city, and therefore beyond the limits of the tribunician power, and summoned the

(147) See Festus, p. 174, with Müller's note, p. 389. The restoration of Niebuhr, Hist. vol. ii. p. 127, is considered by Müller to be inadmissible, who proposes a different one. The conjectures of Dr. Arnold may be seen in his History, vol. i. p. 241. He remarks that 'the whole period between the first institution of the tribuneship, and the death of Cassius, is one of the greatest obscurity.'

Kempf, in his edition of Valerius Maximus, has an Excursus on this subject, p. 754-6, in which he discredits the account of Valerius Maximus, and rejects Niebuhr's restoration of Festus, but approves of that adopted by Müller. He remarks justly that the account of nine tribunes being burnt alive by their colleague in the time of Sp. Cassius, who was put to death in 485 B.C. is not consistent with our accounts of the tribunate, which represent the number of tribunes to have been raised to ten, as late as the year 457 B.C. The story of burning the nine tribunes is doubted by Mr. Newman; Class. Mus. vol. v. p. 212.

(148) Dion. Hal. viii. 82-89. Compare the account of the campaign of Æmilius with Livy's words: Uno animo patres ac plebes rebellantes Volscos et Æquos, duce Æmilio, prosperâ pugnâ vicere; ii. 42.

(149) Dion. Hal. viii. 83, enlarges on this topic. Livy, ib., merely says: Bello deinde civiles discordiæ intermissæ. Zonaras has a similar statement with respect to the agrarian law at this period: οἱ γὰρ δυνατοὶ μὴ ἄλλως κατέχειν αὐτοὺς δυνάμενοι, πολέμους ἐκ πολέμων ἐξεπίτηδες ἐκίνουν, ἵν' αὐτοῖς ἀσχολούμενοι μηδὲν περὶ τῆς γῆς πολυπραγμονῶσι, vii. 17.

citizens before them. Those who refused to serve were fined, and the fine was levied on their lands.(150) If this easy mode of evading the resistance of the tribunes could be successfully used in this year, it is difficult to understand why it was not resorted to on other occasions. Livy here describes a source of popular discontent, which often recurs in subsequent years: namely, that the consuls cheated the soldiers of their booty, by selling it for the benefit of the state, instead of dividing it among them.(151) Alarming prodigies became frequent at this time in Rome, and were interpreted to signify that there was some irregularity in the performance of the sacred rites: but they ceased upon the punishment of a vestal virgin, who was immured for unchastity, and her two accomplices were beheaded.(152)

§ 29 We now read of a struggle at the elections between the patricians and plebeians, with respect to the choice of consuls. Although the vote is taken in the comitia centuriata, the patrician influence has not a decisive preponderance:(153) in the year 482 B.C. the disputes lead to an interregnum, and in this and the following year a compromise is effected, by selecting one consul, who though himself necessarily a patrician, entertains moderate opinions, and is well inclined to the plebeian party.(154)

(150) Dion. Hal. viii. 87.

(151) ii. 42. The construction which Niebuhr, Hist. vol. ii. p. 177, puts on this passage is quite arbitrary, and rests on an unproved hypothesis of his own.

(152) Dion. Hal. viii. 89, calls her Opimia; Livy, ii. 42, Oppia. Their accounts of the interpretation of the prodigies, and of their cessation at her death, agree.

(153) Dion. Hal. viii. 90.

(154) Ib. ix. 1. Niebuhr supposes a change in the mode of electing the consuls to have been made in the year of K. Fabius and Æmilius (484 B.C.), by which the election was transferred from the centuries to the Senate and the curiæ, and a mere right of confirmation reserved to the former (Hist. vol. ii. p. 178). He likewise supposes that in a later year a compromise was effected, by which the centuries elected one consul and the Senate the other (ib. 188). These suppositions rest on nothing but forced constructions of passages, by which meanings unknown to their authors are elicited. They are properly rejected by Goettling, Röm. Staatsverf. p. 308; Becker, ii. 2, p. 93, and Newman, Class. Mus. vol. vi. p. 119—126, who has given an excellent exposure of Niebuhr's sophisms. The liberty which Niebuhr assumes of taking δῆμος and *populus*, for the patricians as opposed to the plebeians, often enables him to extract a meaning the very reverse of that

In 481 B.C. one of the tribunes opposes the levies, on the ground that the agrarian decree is not carried into effect: but his opposition is frustrated by his four colleagues, whom the patricians gain over, at the advice of Appius Claudius.(155) The two consuls are thus able to take the field, one against the Æquians, the other against the Veientes;(156) but Kæso Fabius, one of the consuls, had earned so much unpopularity by being the accuser of Cassius, that, although he shows all the excellences of a good captain, and repulses the enemy, his army will not pursue its advantage, and returns speedily to Rome, without waiting for the orders of the general.(157)

The next consuls, M. Fabius and Cn. Manlius, are again impeded in their levies, on account of the neglect of the agrarian law, by Pontificius the tribune.(158) He is however opposed by his colleagues, and an army is enrolled, with which the consuls march against the Veientes. According to Dionysius they entrench themselves in two camps, near each other, and remain inactive, because they distrust the willingness of their soldiers to fight, and fear a repetition of the proceeding of the previous year. Here a prodigy occurred: the tent of the consul Manlius

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intended. He likewise draws a distinction between greater and lesser gentes in this part of his history; which, so far as it has any foundation, is founded on a figurative interpretation of the older and younger senators. (See vol. ii. p. 384.) These expressions are, however, used by the ancient historians in a perfectly literal sense. See Livy, ii. 28; Dion. Hal. vi. 39, 43, 65, 66; vii. 21, 25. In vi. 66, the consuls threaten to fix a minimum of age in order to exclude the young patricians from the Senate.

(155) Dionysius calls this tribune Sp. Sicilius: Livy, Sp. Licinius. Appius is described by Dionysius as insisting on the maxim of *Divide et impera*. Livy places his advice under the following year; ii. 44. Dion. Hal. viii. 91, says that the decree had remained unexecuted for five years in the year of Julius and Q. Fabius.

(156) Dion. Hal. ix. 2, sends Furius against the Æquians, and K. Fabius against the Veientes. Livy reverses the provinces: so that the battle in which the Roman army refuses to pursue, is according to Dionysius against the Veientes, according to Livy against the Æquians. Zonaras agrees with Dionysius. Livy, ii. 44, represents a reference made to this battle with the Æquians in the Etruscan counsels.

(157) Dion. Hal. ix. 3-4; Livy, ii. 43; Zon. vii. 17. Valerius Maximus, ix. 3, 5, has carelessly followed Livy.

(158) Niebuhr speaks of the name of Tiberius Pontificius as having been preserved in 'the ancient annals;' Lect. vol. i. p. 161. Does he conceive these ancient annals to have been contemporary?

was struck by lightning, which overturned the altar, damaged his arms, and killed a warhorse, and some of his slaves. The diviners declared that this event portended the capture of the camp, and the death of the most distinguished men: whereupon Manlius abandoned his camp at midnight, and joined his colleague. As soon as the Etruscan soothsayers, who claimed a peculiar skill in the interpretation of lightning,(159) were informed of the circumstances, they recommended an immediate attack on the Romans, for the following reasons:—'If (they said) the consul had remained in the place where the thunderbolt fell, and had not transferred his standards to the other camp, the offended deity would have satisfied his anger with the capture of one camp, and the destruction of one army: but since, thinking to outwit the gods, they have removed to the other camp, leaving the spot struck by lightning unoccupied—as if the divine displeasure was signified to places, not to persons—both those who left their camp, and those who received them, will be visited by a common punishment from the deity.'(160) Livy knows, or at least says nothing of the prodigy and the double camp. He represents the union of camps to have subsisted from the beginning. In the other circumstances of this campaign however—in the Romans being at last roused to action by the taunts of the Etruscans, in the battle marked by the deaths of Manlius the consul, a brother of the other consul, and by the temporary loss of the Roman camp—and in the consul's refusal of his triumph—he and Dionysius agree.(161) Dionysius indeed states that the only superiority of the Romans consisted in the departure of the Veientes on the day after the battle:

(159) See Müller's Etrusker, vol. ii. p. 162—78. Agesipolis, king of Sparta, retreated from his expedition against Argos in 389 B.C., in consequence of a thunderbolt falling in his camp, followed by unfavourable sacrifices; Xen. Hell. iv. 7, § 7; Pausan. iii. 5, § 9.

(160) Dion. Hal. ix. 5-6.

(161) Livy and Dionysius are very minute in relating the events of the war; and Livy, *believing all to be true*, is very pleasing in his narrative. It may be regarded as authentic, that there was a long and difficult war against Veii. The detail in Livy contains nothing that is improbable; the account of the manner in which Cn. Manlius fell, and of the useless attempt

whereas Livy describes it as a great victory. The Veientes are said to have been assisted by the other Etruscans in this battle; and according to Dionysius it was, looking to the numbers engaged, the length of the conflict, and the even balance of the result, the greatest battle which the Romans had hitherto fought—so that its memory would doubtless have lasted for many years. It is likewise stated to have relieved the Fabii from the unpopularity which had been brought upon them by the accusation of Cassius.(162)

§ 30 At the beginning of the next year, K. Fabius, now consul for the third time, desirous of promoting concord between the two orders, proposes to the Senate an equal division of the conquered land, but in vain.(163) Virginius, the other consul, having invaded the Veientine territory, is surprised and surrounded; but is afterwards relieved by his colleague, who marches from the Æquian country. After the armies have been disbanded, the Veientes ravage the land as far as the Tiber, and Mount Janiculum.(164) The incursions of the Veientes into the Roman territory upon the northern bank of the Tiber are now felt to be so serious, that the Senate deliberate upon the means of their prevention. It is agreed that a permanent border-guard is necessary for the purpose, and the Fabian clan offer to perform this service. They muster 306 members; and march out of Rome, according to Livy, under the command of K. Fabius the consul. Ovid likewise, who relates this story in his Fasti, limits the expedition to the 306 Fabii.(165) Diony-

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to deceive fate especially, have an antique air;' Niebuhr, Lect. vol. i. p. 162. The account in Dionysius is more detailed than that in Livy, and he alone mentions the attempt to cheat the prodigy; his belief in the truth of his narrative was doubtless as absolute as Livy's. It may be observed that Niebuhr's judgment on the credibility of this narrative rests entirely upon internal grounds. Compare Hist. vol. ii. p. 199.

(162) Dion. Hal. ix. 7—13; Livy, ii. 44-7. Dionysius states that Fabius the consul, being severely wounded, abdicated his office two months before the end of his year.

(163) Livy, ii. 48. (164) Livy, ib. Dion. Hal. ix. 14.

(165) Hæc fuit illa dies, in quâ Veientibus arvis
Ter centum Fabii, ter cecidere duo.
Una domus vires et onus susceperat urbis,
Sumunt gentiles arma professa manus.
Fast. ii. 195—8.

sius however, in order to soften the improbability of the story, describes the 306 Fabii, led by M. Fabius, the consul of the previous year, as accompanied by a body of clients and companions 4000 strong; he states moreover that K. Fabius, the consul, followed them with a consular army.(166) The Fabii march out of Rome by the right opening of the Porta Carmentalis; which obtained the name of Porta Scelerata, and remained an ill-omened gate, from the time of this fatal expedition.(167) Thence they proceed to the Cremera, a small stream near Veii, and build a fort upon a hill, from which they ravage the Veientine country. In the next year there are operations against the Volscians, Æquians, and Etruscans. The latter are defeated by the consul Æmilius, and their camp is taken, which, it is remarked, yielded much plunder, on account of the skilful and luxurious habits of their nation.(168) According to Dionysius, Æmilius, after this victory, compelled the Veientes to furnish a war contribution to his army, but being empowered by the Senate to conclude a treaty with them, gave them easy terms, and did not effectually cripple their power. The Senate are displeased at this conduct, and send him against the Vol-

(166) Dion. Hal. ix. 15. Festus, indeed, in the abridgment of Paulus, gives a similar account: 'Scelerata porta, quæ et Carmentalis dicitur, vocata, quod per eam sex et trecenti Fabii cum clientium millibus quinque egressi adversus Etruscos ad amnem Cremeram omnes sunt interfecti;' p. 335. See the mutilated text in p. 334. The name of the Vicus Sceleratus was traced to the wicked deed of Tullia in driving over her father's dead body. See above, vol. i. p. 506, and p. 508, n. 101.

(167) Livy, ii. 49; Florus, i. 12; Ovid, Fast. ii. 201-2; Serv. Æn. viii. 337. It is stated by Dio Cass. xxi. 3, that the Romans placed the day of their destruction among the unlucky days, and set a stigma upon the gate out of which they marched. Festus connects with this expedition another legend, respecting the temple of Janus: Religioni est quibusdam. portâ Carmentali egredi; et in æde Jani, quæ est extra eam, Senatum haberi; quod eâ egressi sex et trecenti Fabii apud Cremeram omnes interfecti sunt, cum in æde Jani senatusconsultum factum esset, uti proficiscerentur; p. 285. If the restoration of the text in p. 334, adopted by Müller, is correct, it was unlucky to leave or enter Rome by this gate. Compare Niebuhr's explanation, Hist. vol. ii. p. 196; Becker, vol. i. p. 138.

(168) Dion. Hal. ix. 16. Livy is silent as to the armies sent against the Volscians and Æquians, but mentions this battle, in which he says the Etruscans were driven back to the 'Saxa Rubra,' where they were encamped; ii. 49.

scians, but he disbands his army, and stirs up the people to discontent, by referring to the suspended agrarian decree.(169) In the meantime, the other eleven Etruscan states complain of Veii for making a separate treaty with Rome, and give her the option of abandonment of the treaty or war. The Veientes use the fortification on the Cremera as a pretext for making the treaty; and they demand that their territory should be evacuated. The Romans answer this demand by sending a consular army to the relief of the place, but before it arrives, the fort is taken by the Veientes, and the Fabii are cut off to a man.(170)

Of this catastrophe, there were, according to Dionysius, two accounts: both of which were related by trustworthy writers, but one of them seemed to him much worthier of belief than the other.(171) One story was that the Fabii set out for Rome, in a body, with a few clients, in order to perform there some hereditary religious rites; but that on the way they fell into an ambush of the Veientes, and were all killed. This version of the story is rejected by Dionysius, because he thinks that the Fabii would have deputed three or four of their number to go to Rome for the religious solemnity, and that the whole body would not have left the fort. The other (which he prefers) was that the Veientes, having enticed them into the open country by leaving cattle and horses at large, fell upon them unawares, and destroyed them.(172) The latter account is related by Livy, without allusion to the existence of a discordant version: it is also followed

(169) Dion. Hal. ix. 17. He calls the agreement of the Senate respecting the agrarian question, *αἱ περὶ τῆς κληρουχίας ὑποσχέσεις*, Livy does not mention these proceedings of Æmilius, or the treaty with Veii.

(170) Livy, ii. 49, says that the Veientes implored for peace; and having obtained it, they repented of their own act, from fickleness, before the Roman garrison was withdrawn from Cremera. He does not recognise the interference of the other Etruscan states. Concerning the situation of the river Cremera, see Gell and Nibby, art. Veii.

(171) ix. 18, 21. As to double accounts in the history of Cambyses, see Herod. iii. 32. Herodotus says that with respect to the history of Cyrus, he shall relate the unadorned truth, *ἐπιστάμενος περὶ Κύρου καὶ τριφασίας ἄλλας λόγων ὁδοὺς φῆναι*, i. 95.

(172) Dion. Hal. ix. 19, 20.

by Ovid, though its circumstances are less poetical than those of the other. But whatever was the cause of the destruction of the Fabii, it was an essential part of the story, that 306 died at the fort, and that only one child, which had been left at Rome, survived to save the Fabian name from extinction.(173) Dionysius treats this latter circumstance as fabulous, and has no difficulty in proving the improbability of there being only one child to so many adult men of fighting age: but he makes no attempt to show that this particular does not rest on the same attestation as the rest of the narrative.(174)

The account given by Diodorus is that a war having arisen between the Romans and the Veientes, a great battle took place near the place called Cremera. The Romans were defeated, and many were slain, among whom (as some of the historians reported) were the three hundred Fabii, belonging to the same kindred, and therefore bearing the same name.(175) This is the earliest notice of Roman history in Diodorus after the time of the kings, though he mentions some of the previous consuls.

There is nothing improbable in the supposition that a numerous and powerful clan, such as that of the Fabii, should have undertaken to garrison a fort at a short distance from Rome, though within a hostile territory, for the sake of harassing the enemy, and protecting the Roman frontiers. It is equally conceivable that they may have been surprised, their stronghold

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(173) Fabii cæsi ad unum omnes, præsidiumque expugnatum; trecentos sex perisse satis convenit: unum prope puberem ætate relictum; Livy, ii. 50. Although Livy, c. 49, speaks of the Fabii being followed by a crowd of *cognati* and *sodales*, when they left Rome, he conceives the garrison of the hill-fort to have been limited to the 306 Fabii; hence he speaks of their 'paucitas insignis,' when attacked by the Etruscans. The brief account in Zonaras, vii. 17, speaks of the 306 Fabii having fortified a place in the Etruscan territory, and having fallen into an ambush, where they were all killed, except one youth who had been left at Rome. See also Eutrop. i. 16.

(174) Ix. 22; he says: *μύθοις γὰρ δὴ ταῦτά γε καὶ πλάσμασιν ἔοικε θεατρικοῖς.*

(175) xi. 53. He agrees with the other authorities in referring this event to the consulship of Horatius and Menenius. Niebuhr, Hist. vol. ii. n. 457, thinks that the destruction of the Fabii and the subsequent defeat of Menenius are confounded by Diodorus, and mixed up into one battle.

taken, and themselves overpowered and slain. But when we are told that there were two discordant accounts of the mode of their destruction—a fact about which their contemporaries could have had no doubt—and we meet with the romantic incident of the one surviving boy,(176) it is difficult to know how far we are entitled to consider the narrative as historical. We cannot assume that the events were preserved by any contemporary records; and although Fabius Pictor, when he wrote his history, may have been induced, by hereditary feelings, to collect all the extant accounts respecting this adventure, he could have obtained nothing authentic from oral tradition at a distance of two centuries and a half. The presence of a Fabius in the consulship for the seven successive years, from 485 to 479 B.C., (177) combined with the expedition to the Cremera, proves the great pre-eminence of the clan at this period; but it cannot be shown, nor is it likely, that they possessed authentic family annals, before a contemporary history had been composed for the state itself.(178) The anniversary of the catastrophe at the Cremera was observed in later times on the same day as that of the battle of the Allia;(179) a suspicious coincidence, which

(176) Q. Fabius Vibulanus, son of one of the three brothers killed at the Cremera, was consul in 467 B.C., the eleventh year after the disaster at the Cremera, according to Livy, iii. 1; Dion. Hal. ix. 59. If he was a boy in 477 B.C., he could not now have been more than 23 or 24 years of age; but at this time there were probably no *leges annales*, and (as Crevier remarks) M. Valerius Corvus is stated by Livy to have been consul in 348 B.C., when he was only 23 years old; vii. 26. The statement as to the consulship is therefore not inconsistent with the other story. Compare Niebuhr, Hist. vol. ii. p. 194. According to a notice in Festus, p. 170, this Fabius married the rich daughter of a citizen of Maleventum, and their son bore the prænomen of Numerius from his maternal grandfather. Its truth is doubted by Madvig, Opuscula, p. 274, cited by Müller.

(177) Kæso, Quintus, and Marcus Fabius Vibulanus, three brothers. Kæso was consul three times, the others were each consul twice. They are all supposed to have been killed at the Cremera.

(178) See Niebuhr, Hist. vol. ii. p. 198.

(179) Dion. Hal. ix. 23, says that the Roman state treated the day on which this calamity occurred, as black and ill-omened, and would not begin any good work upon it. As to the anniversary of the Cremera coinciding with that of the Allia, and falling on the fifteenth day before the Calends of Sextilis, or August, see Livy, vi. 1; Plut. Cam. 19; Tac. Hist. ii. 91. Nevertheless Ovid places it on the ides of February; Fast. ii. 195. This discrepancy cannot be explained. See Merkel ad Fast. præf. p. lxiii.

raises a presumption that the day was not perpetuated by an uninterrupted traditional observance.(180)

A strange hypothesis is advanced by Niebuhr with regard to the Fabian occupation of the Cremera; that it was in fact a colony founded in consequence of a secession; that the secession of the Fabii was owing to their discontent at the rejection of the conciliatory proposal of Kæso Fabius by the Senate; and that the one Fabius who remained behind was not a boy,' but 'a man in the prime of life, and of a resolute character, who persisted in the previous sentiments of his house, and separated from them when they emigrated.'(181) This view implies not so much a rationalizing, as a reconstruction of the whole story; but the supposition is destitute of all verisimilitude: for if the Fabii were dissatisfied with their position at home, and wished to separate themselves from their countrymen, and to found a new settlement, it is not likely that they would have chosen an insulated hill close to Rome, on an enemy's territory, without previously obtaining his consent. Our historians moreover describe the Fabii as peculiarly well-inclined to the state, and as desirous of making great sacrifices for its good; they further state that the people felt great grief at the disaster of this gallant band, and fined Menenius, the consul, for not having shown sufficient promptitude in their relief.(182)

Niebuhr, Hist. vol. ii. n. 441. Florus, i. 13, § 7, compares the disasters of the Cremera and the Allia. 'While the day on which the Fabii perished is a matter of unquestionable tradition, the manner of their destruction is wholly uncertain;' Niebuhr, Hist. ib. p. 201. 'The destruction of the Fabii on the Cremera is a historical fact, but the account of it is partly poetical, partly annalistic;' Lect. vol. i. p. 163. The account of the slaughter of the Fabii on the Cremera is discredited by Col. Mure, Lit. of Gr. vol. iv. p. 338.

(180) F. Lachmann, de Die Alliensi (Gotting. 1822) p. 15, thinks that unlucky days were not marked in the calendar before the burning of the city, and that the day of the Cremera had been forgotten.

(181) Hist. vol. ii. p. 193-4; Lect. vol. i. p. 163. This hypothesis is adopted as a matter of fact by Dr. Arnold. 'The Fabii (he says) left Rome as the Claudii had left Regillus a few years before; they wished to establish themselves as a Latin colony in Etruria, serving the cause of Rome even while they had renounced her;' Hist. of Rome, vol. i. p. 170; compare p. 214. Niebuhr likewise thinks that they were intentionally sacrificed by the consul, and he compares their fate to that of Siccius Dentatus at the time of the decemvirs; ib. p. 203.

(182) Dion. Hal. ix. 23, 27; Livy, ii. 52; Dio Cass. xxi. 3. The only

Menenius, who had been encamped near the Cremera at the time of this calamity, shortly afterwards engaged the Veientes, but was defeated with great loss. The Janiculum was occupied by the enemy, and the Roman territory ravaged. The other consul was recalled, and the Romans were superior in two conflicts—one near the temple of Hope, the other near the Colline gate.(183) The incursions of the Veientes prevent the cultivation of the soil, and cause a scarcity; but the Veientes are shortly afterwards defeated in a great battle, the Janiculum is recovered, and plenty is restored.(184)

§ 31 The succeeding events—including the impeachments of Menenius and Servilius, and the submission of the Veientes—are similarly related by both our historians.(185) The next im-

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support which Niebuhr can find for this hypothesis is the following passage of Gellius: 'Bello Veiente, apud fluvium Cremeram, Fabii sex et trecenti patricii, cum familiis suis, universi ab hostibus circumventi perierunt;' xvii. 21, § 13. These words he translates: '306 Fabii perished *with their families* on the Cremera,' and adds that Gellius assuredly made this statement 'not without the express authority of ancient books' (vol. ii. p. 193). By *families* he means *wives and children*. Nothing is said elsewhere of the Fabii migrating with their wives and children, and it is very improbable that Gellius, in his general synchronism of Greek and Roman history, followed any peculiar accounts of celebrated events. Dionysius says that the Fabii were attended by a numerous body of clients (ix. 15), and it is to clients or house-slaves, and not to wives and children, that Gellius evidently refers, so that his words correspond to those of Dionysius ὅτε ἡ Φαβίων συγγένεια καὶ τὸ πελατικὸν αὐτῶν ἀπώλλυντο, ib. 23. The expressions of Gellius point rather to a battle in which none but men are killed, than to the storming of a fort. Compare the words of Livy, iii. 19, where Cincinnatus likens the Capitol, seized by a body of servile invaders, to a private house, from which the owner is blocked out by his own slaves. 'Scilicet si quis vobis humillimus homo de vestrâ plebe, si quis ex his *domum suam obsessam a familiâ armatâ* nunciaret, ferendum auxilium putaretis?' Here *familia* means the slaves of the householder, to the exclusion of the members of his family, properly so called. It may be remarked that Niebuhr, in citing the passage of Gellius, omits the words 'Bello Veiente, apud fluvium Cremeram, universi ab hostibus,' which would have caused the reader to see that wives and children could not be meant. See likewise Serv. ad Æn. vi. 846 (transcribed by Myth. Lat. i. 224, ed. Bode): Nam trecenti sex fuerunt de unâ familiâ, qui cum conjurati cum servis et clientibus suis contra Veientes dimicarent, insidiis apud Cremeram fluvium interempti sunt.

(183) Dion. Hal. ix. 24, and Livy, ii. 51, agree as to the places of these two battles. See Niebuhr, Hist. vol. ii. p. 204.

(184) Dion. Hal. ix. 25-6; Livy, ii. 51.

(185) Dion. Hal. ix. 27—36; Livy, ii. 52-4; Niebuhr, Hist. vol. ii. p. 207-8, describes both Menenius and Servilius as tried by the curies;

portant incident is the death of the tribune Genucius; who is described by Dionysius as reviving the question of the agrarian decree, and as impeaching C. Manlius and L. Furius, the consuls of the previous year, for not having carried it into effect.(186) Livy represents Genucius as proposing an agrarian law, and as impeaching these consuls; but he is silent as to the ground of the impeachment.(187) As to the cause of his death, they likewise differ. Livy says that he was found dead in his house on the day of his trial, having been secretly murdered by the senators: Dionysius describes his body as having been found in his house on the previous day, without any mark of violence or poisoning; and considers his death at the critical moment as due, not to any human agency, but to the special interference of the gods.(188)

§ 32 We are now arrived at the important political movement originated by Volero Publilius; near the beginning of which, Dionysius places a pestilence, and other alarming pro-

which, according to his view, consisted only of patricians. Dionysius however states distinctly that they were tried by the tribes, c. 27, 33; and Livy evidently conceives the tribunal as a popular one, c. 52.

(186) Dion. Hal. ix. 37-8. In c. 37 it is stated that twelve consulships had intervened between the year of the agrarian decree and the year in which Genucius made his accusation: *i. e.* between 486 and 473 B.C. See also x. 38, where the eleventh year is mentioned.

(187) ii. 54. Livy speaks of the continuance of agrarian agitation, but does not connect it with the decree in the time of Cassius. He describes the tribunes as themselves proposing fresh agrarian laws, not as complaining of the non-execution of an existing law. Thus in c. 52 he calls Considius and Genucius the 'auctores agrariæ legis,' and says, 'tribuni plebem agitare suo veneno, agrariâ lege;' in c. 54: 'Paci externæ confestim continuatur discordia domi; agrariæ legis tribuniciis stimulis plebs furebat.' With regard to the consuls of this year, Livy says: L. Æmilius et Opiter Virginius consulatum ineunt. Vopiscum Julium pro Virginio in quibusdam annalibus consulem invenio; ib. Dion. Hal. ix. 37, makes L. Æmilius Mamercus and Vopiscus Julius the consuls.

(188) ix. 38; Niebuhr, Hist. vol. ii. n. 473. treats the passage in x. 38 as inconsistent with the previous account; but the representation there given by L. Siccius Dentatus is meant to be distorted from the truth, as proceeding from a partisan. His account of the execution of Sp. Cassius in the same chapter, likewise differs from the previous narrative; viii. 77-8. Compare the case of Scipio Africanus minor, who was found dead in his bed, without any apparent cause of death, in the year 129 B.C. It was said that he died a natural death, that he killed himself, and that he was murdered; but the truth was never ascertained. See Appian, B.C. i. 19; Plut. C. Gracch. 10.

digies, which were arrested by the execution of Orbinia, one of the Vestal virgins, for unchastity. She was buried alive; and of her two accomplices, one killed himself, the other was flogged to death, like a slave.(189) These incidents are not mentioned by Livy.

Volero Publilius first distinguished himself by resistance to the consul, who enrolled him as a common soldier, whereas he had already served as a first centurion. In consequence of his spirited conduct on this occasion, he was elected a tribune of the plebs; in which capacity he proposed a law for transferring the election of the tribunes from the curiæ to the tribes. This is the statement of Dionysius; who adds, that the difference between the comitia curiata and comitia tributa was, that, for the former, a preliminary decree of the Senate, the voting of the people by curiæ, and favourable auspices were necessary; whereas in the latter the votes were taken by tribes, without the necessity either of the consent of the Senate or of auspices.(190) He

(189) Dion. Hal. ix. 40. Compare above, a similar case (p. 141) where the unchaste vestal is immured. Livy, xxii. 57, states that near the beginning of the Second Punic War, the accomplice of an unchaste Vestal was flogged to death by the Pontifex Maximus, in the Comitium, with his own hands. See above, vol. i. p. 150.

(190) ix. 41. Compare x. 4. In iv. 20, Dionysius distinctly states that the curiæ were originally the assembly of the entire people, in which each citizen had an equal vote; and that this mode of voting was altered by Servius Tullius into the voting by centuries, in which the rich citizens had an advantage. The purely democratic constitution of vote by curiæ is attributed to Romulus; ii. 14. See above, vol. i. p. 412, 542. Notwithstanding the valid objections which apply to violent alterations of the text of ancient historians, I cannot help agreeing with Goettling, ib. p. 308, n., that the passage of Dionysius in the speech of Lætorius respecting the comitia curiata is corrupt. Having first alluded to the secession, and the creation of the tribunate, he proceeds thus: διεξελθὼν δὲ ταῦτα, τοὺς νόμους ἐπεδείκνυτο οὓς ὁ δῆμος ἐπεκύρωσεν οὐ πρὸ πολλοῦ, τόν τε περὶ τῶν δικαστηρίων τῆς μεταγωγῆς, ὡς ἔδωκεν ἡ βουλὴ τῷ δήμῳ τὴν ἐξουσίαν κρίνειν, οὓς ἂν αὐτοῖς δόξειε τῶν πατρικίων, καὶ τὸν ὑπὲρ τῆς ψηφηφορίας, ὡς [ὃς Niebuhr] οὐκέτι τὴν λοχῖτιν ἐκκλησίαν, ἀλλὰ τὴν κουριᾶτιν ἐποίει τῶν ψήφων κυρίαν, ix. 46. The supposition of Niebuhr that this is an insulated statement, preserved from an 'annalist,' and at variance with the rest of the narrative, is quite untenable. (Hist. vol. ii. p. 181, and n. 468.) Dionysius always weaves his materials into a consistent story, and in this passage he evidently refers to the preceding facts. The change of jurisdiction alludes to his detailed account of the trial of Coriolanus (see vii. 65); and the change in the suffrage can only refer to the measure proposed by Volero, which had been virtually agreed to by the people, though it had not formally obtained the

evidently understands that the same body of persons voted in both comitia; though in the other parts of the procedure there were the differences which he specifies. Cicero likewise describes the tribunes of the plebs as having been elected in their second year in comitia curiata, with auspices.(191) Livy mentions the transfer to comitia tributa, but does not state from what body the transfer is made. He speaks of the change being greater in idea than in reality; and as consisting in the exclusion of the patricians from the comitia.(192) The proposal is not carried the first year; but Volero is re-elected, and he renews his proposition, which he now extends to the election of ædiles, and to all other acts within the competence of the people.(193) The two historians differ in many of the details; but they agree in describing a violent conflict between the patricians and plebeians as the consequence of this proposal, and the Senate as finally consenting to its adoption by the people.(194) Niebuhr, and the

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force of law. This proposal is thus described in c. 41: *νόμον εἰσφέρει περὶ τῶν δημαρχικῶν ἀρχαιρεσίων, μετάγων αὐτὰ ἐκ τῆς φρατριακῆς ψηφηφορίας, ἣν οἱ Ῥωμαῖοι κουριᾶτιν καλοῦσιν, ἐπὶ τὴν φυλετικήν.* Compare c. 49. Hence in ix. 46 the sense seems to require *ὃς οὐκέτι τὴν κουριᾶτιν ἐκκλησίαν ἀλλὰ τὴν φυλετικὴν ἐποίει τῶν ψήφων κυρίαν.* Some event *subsequent* to the trial of Coriolanus must be intended. The arbitrary treatment of this passage by Niebuhr is well exposed by Mr. F. Newman in the Classical Museum, vol. vi. p. 120, but his own explanation is not satisfactory.

(191) Itaque auspicato postero anno decem tribuni plebis comitiis curiatis creati sunt; Cic. pro Corn. i. Cicero agrees with Dionysius in attributing auspices to the comitia curiata. The use of auspices and the presence of priests at the comitia centuriata is mentioned by Dion. Hal. x. 57.

(192) Variâ fortunâ belli, atroci discordiâ domi forisque annum exactum, insignem maxime comitia tributa efficiunt; res major victoriâ suscepti certaminis, quam usu. Plus enim dignitatis comitiis ipsis detractum est, patribus ex concilio submovendis, quam virium aut plebi additum est aut demtum patribus; Livy, ii. 60. Compare the account in c. 56, of the tribune removing the patricians from the comitia, which were to vote on the law of Volero; in c. 57, they are called concilium plebis. I cannot accede to Mr. Newman's interpretation of this passage; Class. Mus. vol. vi. p. 215.

(193) Dion. Hal. ix. 43.

(194) Dion. Hal. ix. 41—49; Livy, ii. 54—8, 60. Dionysius describes the *first* proposal (which was limited to the election of tribunes) as arrested by a terrible pestilence, which he describes at some length. He seems to consider it as a divine interposition made for the sake of obstructing the propositions of Volero, which were despotic in their character. *ἔπεσχε δ' αὐτοῦ τὰ βουλεύματα, ὄντα τυραννικά, ἑτέρα συμπεσοῦσα θείλατος συμφορά*, c. 42. Livy knows nothing of this pestilence; he says that the rogation of Volero

other modern writers on the history of the Roman constitution, starting from the assumption that the curiæ are a patrician division, consider the statement of Dionysius and Cicero as erroneous, and hold that the election of tribunes before the law of Volero, had been made in comitia centuriata.(195) But it is not allowable to reject positive testimony, of this sort, on account of a hypothesis which is itself uncertain. We must either admit that we do not understand the constitutional history of Rome at this period, or reform the hypothesis respecting the curiæ, so as to bring it into accordance with this and other positive testimonies. It should be moreover observed that Livy, on the authority of Piso, states the number of tribunes to have been increased by the law of Volero from two, as they had been since their institution, to five; and the names of the five tribunes then elected are given after the same historian.(196) Dionysius how-

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was protracted into a second year by the resistance of the patricians: res, suo ipsa molimine gravis, certaminibus in annum extrahitur; ii. 56. Dionysius represents Lætorius the tribune as making a long speech in answer to Appius; c. 46-7. Livy says of him: rudis in militari homine lingua non suppetebat libertati animoque, and adds that his words failed him, but he protested that he would carry the law or die; c. 56. (Compare Tac. Ann. xv. 67, militaris viri sensus incompti ac validi). Livy knows nothing of the addition made by Volero in the second year. The warlike policy of the extreme patrician party, and the pacific policy of the moderate party, is set forth by Dionysius, c. 43.

(195) See Niebuhr, Hist. vol. i. p. 619; vol. ii. p. 211, 217; Lect. vol. i. p. 168; Arnold, Hist. of Rome, vol. i. p. 172-3; and Becker, ii. 2, p. 254, ii. 3, p. 159; Goettling, Gesch. der R. Staatsverfassung, p. 288—290, thinks that before the law of Volero the tribunes of one year chose the tribunes of the succeeding year, and that there was no popular election. This view is unsupported by any testimony.

(196) Tum primum tributis comitiis creati tribuni sunt; numero etiam additos tres, perinde ac duo antea fuerint, Piso auctor est. Nominat quoque tribunos, C. Sicinium, L. Numitorium, M. Duilium, Sp. Icilium, L. Mæcilium; Livy, ii. 58. Diodorus likewise states that four tribunes were first appointed (*i. e.* their number was first raised to four) in the consulship of Appius and Quintius; the four names which he enumerates agree with those in Livy taken from Piso (Acilius having been written for Icilius); that of Mæcilius being omitted. As the name of Lætorius is not in this list, Dr. Arnold, ib. p. 178, conjectures that he had been murdered by the patricians. We do not know that Piso recognised Lætorius as a tribune in the preceding year. Our knowledge of the Roman history at this period is much too imperfect to justify any such conjectures. Various hypotheses might be made to account for the non-appearance of the name of Lætorius in this list; but all such conjectures are quite misplaced.

ever conceives their number to have been *five* before this time ;(197) and Cicero says that it had been *ten* since the second year of their existence.(198) It is impossible to explain or to reconcile these discrepancies, without having recourse to merely conjectural hypotheses, or to prefer one to another upon any sufficient ground.

§ 33 The change in the election of tribunes is followed by the refusal of the army of Appius Claudius to fight; and his severe execution of military law upon his soldiers.(199) One of the next consuls again proposes the execution of the dormant agrarian decree to the Senate; but the proposition is successfully resisted by Appius.(200) The tribunes then decide to impeach him; and according to Livy he is heard in his defence—which he conducts in a haughty and unbending spirit; the trial is then adjourned, and before it is resumed, he dies a natural death.(201) Dionysius, on the other hand, states that he refused indeed to yield to the popular resentment, or to take any measures for mitigating it, but that a few days before his trial was to take place, he committed suicide, though his friends declared that he had died by natural means.(202) Both historians agree in stating that the tribunes wished to prevent the customary eulogy from being pronounced over him, but that the people, more generous and forgiving, insisted on the usage being observed, and permitted his son to pay the honours due to his father's memory. The

(197) Five tribunes are mentioned in ix. 2, 41, and 42. In the two latter chapters Volero and two colleagues are a majority of the college.

(198) Pro Corn. i.; Zonaras, vii. 17, places the increase in the number of tribunes *after* the death of Appius, and says nothing about Volero.

(199) Dion. Hal. ix. 50; Livy, ii. 58-60; Zonaras, vii. 17.

(200) Dion. Hal. ix. 51-3, who describes the arguments in detail, and says that the decree had remained unexecuted for 17 years; *i.e.* from 486 to 470 B.C. Livy here merely says that Appius advocated the cause of the 'possessores publici agri,' as if he had been a third consul; ii. 61; but lower down, iii. 1, he speaks of *Æmilius* as having proposed a division of land among the plebs.

(201) Livy, ii. 61.

(202) Dion. Hal. ix. 54; Zonaras, vii. 17, combines these two accounts, for he says that the tribunes did not condemn him, but by postponing the trial reduced him to the necessity of putting himself to death.

Capitoline Fasti, indeed, in a subsequent year, contain a notice which implies that the same Appius, who is stated by our historians to have died at this time, was consul twenty years afterwards:(203) but we have no means of explaining the inconsistency, nor any ground for deciding in favour of either account.

§ 34 A statement of Dio Cassius, that the patricians made little open resistance to the plebeians, but removed the most formidable of them by secret assassination, appears to refer to this period: he combines with it the story of the nine tribunes burnt by their colleagues.(204) The other historians do not mention these atrocities; what peculiar information Dio Cassius, who lived in the third century after Christ, possessed on this early period of history, does not appear.(205)

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(203) It appears from a fragment of the Capitoline Fasti discovered in 1817, that the author of these Fasti considered the Appius Claudius, who, according to Dionysius and Livy, killed himself in 470 B.C., and who was the son of the first Appius Claudius, to be the same as Appius Claudius the decemvir, who died in 449 B.C. Livy and Dionysius consider Appius the decemvir to have been the son of Appius who killed himself in 470 B.C., and not the same person. See Niebuhr, vol. ii. n. 754, who seems inclined to adopt the statement of the Fasti. Dr. Arnold has the following remarks: 'A most extraordinary difference prevails in the accounts of his subsequent fate. The common story says that he died in prison before his trial, implying that he killed himself to escape his sentence; but according to the Fasti Capitolini, it was this same Appius who twenty years afterwards became decemvir; and we must suppose, therefore, that he now fled from Rome, *and lived for some years in exile at Regillus*, till circumstances enabled him to return, and to take part in public affairs once more;' vol. i. p. 223. We are not however entitled to prefer the statement of the Fasti to that of the historians, and we must leave these two discordant accounts without attempting to decide in favour of either. Niebuhr, vol. ii. n. 579, remarks that 'the triumphal fasti with regard to these ages prove nothing; since they were compiled in the time of Augustus out of such notices as were then to be met with; *their author was no less liable to err than a historian.*'

(204) Dio Cassius, xx. i., compared with Zon. vii. 17. See above, p. 139, and Niebuhr, Hist. vol. ii. p. 299, 413; Arnold, vol. i. p. 172, 240.

(205) Niebuhr (followed by Dr. Arnold) accepts the statement of Dio Cassius, and considers these atrocities as characteristic of a republican form of government. 'This must (he says) seem incredible to persons acquainted only with the mild and amicable footing on which the several orders stand under a monarchy. But in republics, even down to our own days, traces of the same horrible spirit appear. Through its influence, not fifty years ago, several worthy members of the government at Friburg were punished as traitors, for advising that the rights which had been wrested from the citizens and the canton, should be given back. The same spirit in Schwytz has robbed the new subjects of their franchise, and in the North American

The events of the next following years consist chiefly of military operations(206) against the Sabines, Æquians, and Volscians, in which the narratives of our two historians substantially agree, though with numerous variations. The most important success is the capture of Antium, twenty years after the supposed expedition of Coriolanus against Rome.(207) The acquisition of this town and the consequent confiscation of its territory places a large quantity of land at the disposition of the Roman state: the patrician party are willing to consent to the division of this land among the plebeians, as it does not imply their ejection from the public land in their occupation; and it is accordingly decided to send a colony to Antium. Triumvirs, for the assignment of lands and the receipt of names, are appointed; but the

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slave-states, makes it a crime to give any instruction to persons of colour. It was by the very same infernal spirit that Sparta was led to her tyrannical measures against her helots and subjects, and Florence to those which desolated Pisa;' ib. p. 299. There is no doubt that unjust proscriptions of classes, and also acts of a more atrocious character, have been perpetrated in republican states, nor was this heterogeneous collection of examples necessary to prove a proposition so obviously true. But it is equally certain that measures of at least equal injustice and cruelty have abounded in monarchical states—both in Europe and Asia, both in ancient and modern times. It seems superfluous to cite examples of facts which the memory of every student of history must suggest in plenty. The event for which this doctrine is intended to account has only a faint shadow of evidence in its support. Mr. Newman rejects the statement of Dio, and considers it a vague generalization of the alleged assassination of the tribune Genucius. Class. Mus. vol. vi. p. 212.

(206) Niebuhr says: 'I shall pass over the main part of the occurrences related of these campaigns; for even if they were more attractive, who would give room to stories which may very probably be nothing but the idle inventions of some chronicler?' Hist. vol. ii. p. 245. Lower down he remarks: 'I do not feel called upon to repeat and compare the contradictory narratives of these wars, since that which looks the most probable may perhaps be nothing more than a judicious modification of the others;' ib. p. 248. Expressions of this sort are to be noted in a writer who has made some progress with a period for which he has 'undertaken the restoration of a genuine, connected, substantially perfect history.'

(207) Dion. Hal. ix. 55—8; Livy, ii. 62—5. The prodigy of the dark thunderstorm, followed by a clear sky, which befel the consul Valerius, is similarly described by Dion. Hal. c. 55, and Livy, c. 62. Livy conceives the postponement of an agrarian law still to continue: Non ultra videbatur latura plebes dilationem agrariæ legis; ii. 63. The view of Dionysius is different: he says that an agrarian law has been passed, and is in force, but that the Senate will not take the necessary steps for carrying it into effect. The second book of Livy ends here; the 5th, 6th, 7th, 8th, and 58 (out of 71) chapters of the 9th book of Dionysius coincide with it.

plebeians were unwilling to leave their country, and showed no alacrity to go. Dionysius states that on account of the reluctance of the Romans to accept the offer, the Latins and Hernicans, Livy that the Volscians, were admitted to a share in the colony.(208) This narrative explains the feelings and interests of the two orders with respect to an agrarian law, and shows the difference between the division of newly confiscated land, and the resumption of land wrongfully occupied by patricians. It also shows that each agrarian law had an individual character; that it was a law for the division of some determinate tract of country; and that the reasons in favour of one law, or the objections to it, might be of quite different force from those applicable to another. Some of the expelled Antiates are stated to have taken refuge with the Æquians; to have intrigued with their fellow-citizens who remained in the country, as tenants of the Roman colonists;(209) and to have shaken both their allegiance and that of the colonists. The colony in consequence revolted in 454 B.C.; but was reduced by the consul in that year.(210)

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(208) Livy says that a great struggle between the agrarian party and the patricians was impending, when the consul Fabius suggested an expedient which removed the difficulty. 'T. Quinctii ductu et auspicio agri capti priore anno aliquantum a Volscis esse; Antium, propinquam, opportunam et maritimam urbem, coloniam deduci posse: *ita sine querelis possessorum plebem in agros ituram*, civitatem in concordiâ fore. Hæc sententia accepta est;' iii. 1. According to Livy, when the plebs were put to the test by the offer, they declined to go, they only wished for the grievance: Fecit statim (ut fit) fastidium copia; adeoque pauci nomina dedere, ut ad explendum numerum coloni *Volsci* adderentur; cetera multitudo poscere Romæ agrum malle, quam alibi accipere; ib. The statement of *Volscian* colonists being added is strange: the addition of Latins and Hernicans mentioned by Dionysius, ix. 59, is much more intelligible. The explanation attempted by Niebuhr, Hist. vol. ii. n. 559, is arbitrary. The names of the three commissioners are similarly stated by Dionysius and Livy. The treaty which the Romans are stated to have made with the Æquians in the year in which the colony was sent to Antium (Dion. Hal. ix. 59) is considered by Niebuhr 'to come from the brain of an annalist of the wretchedest description;' ib. n. 561. It seems nevertheless to rest upon as good authority as any other fact reported to us at this period of Roman history.

(209) *Ἀντιατῶν ὅσοι μὲν εἶχον ἐφέστια καὶ κλήρους ἔμειναν ἐν τῇ γῇ, τά τ' ἀπομερισθέντα σφίσι καὶ τὰ ὑπὸ τῶν κληρούχων ἀφορισθέντα κτήματα γεωργοῦντες ἐπὶ ῥηταῖς τισι καὶ τεταγμέναις μοίραις, ἃς ἐκ τῶν καρπῶν αὐτοῖς ἐτέλουν*; Dion. Hal. ix. 60.

(210) See Livy, iii. 4, 10, 22, 23; Dion. Hal. ix. 60, 62, x. 20-1. In Dion. Hal. ix. 62, for *στρατιὰ παρὰ τοῦ Οὐολούσκων τε καὶ Αἰκανῶν ἔθνους*, the

§ 35 Some of the statements relative to this period may bear internal marks of fiction, such as minute or excessive accounts of numbers:(211) but before we can hold that descriptions of successes of the Roman arms in particular years are fabulous, we must be satisfied that the general course of the narrative is better attested, and that the grounds for a comparative judgment are more solid, than we are entitled to

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sense seems to require παρὰ τῶν Οὐολούσκων Ἐχετρανῶν ἔθνους. See Livy, iii. 4, itaque Æqui ab Ecetranis Volscis præsidium petiere. Livy, i. 22, speaks of an alarm of the defection of the colony, and of Fabius defeating the Volscians near Antium. In c. 13 he adds: 'Eodem anno descisse Antiates apud plerosque auctores invenio. L. Cornelium consulem id bellum gessisse, oppidumque cepisse, certum affirmare, quia nulla apud vetustiores scriptores ejus rei mentio est, non ausim.' Dionysius states distinctly that Antium revolted, and that it was retaken by Cornelius; he specifies the measures of Cornelius upon the recovery of the city, and particularly mentions the flogging and decapitation of the most distinguished of the old Antiate citizens. By the 'vetustiores scriptores,' Livy doubtless means Fabius Pictor, Cincius, &c. It is to the year 459 B.C. (295 U.C.) that Niebuhr refers the story of the siege of Rome by Coriolanus; See Hist. vol. ii. p. 99, 242, 244, 256. Independently of the general objection to arbitrary transpositions of this kind (which in itself is conclusive), it may be remarked that a more unhappy selection could not be made; for the account of the successful campaign of Coriolanus, his siege of Rome, the despondency of the Romans, and the humiliating supplication of the matrons, supposes the Volscian power to be at its culminating point, and the Roman power to be at its lowest depression. Whereas Antium is stated to have surrendered to the consul Quintius in 468 B.C., after a few days' siege; to have become a Roman colony in the following year; to have subsequently revolted, and to have been definitively reduced, and the heads of the insurrection punished in 459 B.C.

(211) After describing the operations against the Æqui in 464 B.C., Livy adds: 'Difficile ad fidem est *in tam antiquâ* re, quot pugnaverint ceciderintve, exacto affirmare numero: audet tamen Antias Valerius concipere summas. Romanos cecidisse in Hernico agro quinque millia ac trecentos; ex prædatoribus Æquorum, qui populabundi in finibus Romanis vagabantur, ab A. Postumio consule duo millia et quadringentos cæsos: ceteram multitudinem, prædam agentem, quæ inciderit in Quinctium, nequaquam pari defunctam esse cæde. Interfecta inde quatuor millia, et *exsequendo subtiliter numerum*, ducentos, ait, et triginta;' iii. 5. If these numbers had been noted in any contemporary record, the antiquity of the event would not have rendered it difficult to ascertain the truth. Livy evidently considered these precise details to have been invented by Valerius. Niebuhr, vol. ii. n. 570, speaks of the 'lies of Valerius Antias.' See also Livy's account of a victory over the Volscians, two years later: 'Ibi Volscum nomen prope deletum est; tredecim millia quadringentos septuaginta cecidisse in acie ac fugâ, mille ducentos quinquaginta vivos captos, signa viginti septem militaria relata in quibusdam annalibus invenio; ubi, *etsi adjectum aliquid numero sit*, magna certe cædes fuit;' iii. 8. Nevertheless, seven years afterwards, we have 'bellum ingens a Volscis et Æquis;' c. 22.

assume.(212) Before we can assent to the proposition that fact A is improbable because it is inconsistent with fact B, we must be certified that fact B is established by more credible evidence. Unless we have good ground for believing that the one fact is better attested than the other, we might by parity of reasoning reject fact B, because it is inconsistent with fact A.

(212) Thus Niebuhr considers it as certain that in 463 B.C. the Æqui made an incursion into the Roman territory and carried off much plunder; but he rejects as a fiction of national vanity the statement that Q. Fabius intercepted them on their return, and recovered the booty. 'There were persons (he says) among *the later annalists*, whose childish vanity was so much hurt by the story of any misfortune befalling Rome, even in remote antiquity, that, if it was impossible to suppress it, they did not scruple to invent some occurrence to follow it, by which the enemy was to be stripped of his whole advantage, and to suffer ample retaliation. These falsehoods, being related in the same tone with *the parts that rested on tradition*, imposed on the writers who drew up a complete classical history of Rome. This was owing to their want of faith in the merits of *the simple old chronicles, and in the existence of any genuine tradition*. Among the numerous examples of these delusive phantoms, which vanish the moment one is prepared for them, is the story that Q. Fabius overtook the plunderers, defeated them so completely that very few fugitives escaped, and retook all the booty they had carried off;' Hist. vol. ii. p. 249. The advantage obtained by Q. Fabius over the Æquian plunderers is related in Livy, iii. 3; Dion. Hal. ix. 61. The account of the latter is as detailed as if it had been abstracted from the consul's official despatch to the Senate, and it contains nothing improbable. Niebuhr's comment assumes the existence of 'a genuine tradition,' and 'simple old chronicles,' (in which the true version of the facts was, it appears, preserved,) and of 'later annalists,' who corrupted this pure account by the addition of unauthenticated materials. It further assumes that the inaccurate narrative thus drawn up by the 'later annalists' imposed on Dionysius and Livy. This series of hypotheses may be correct, but we have no means of verifying it: what were the 'simple old chronicles' to which the 'later annalists' had access, and what was 'the genuine tradition' which they corrupted by their unauthorized additions, is not explained. Again, both historians state distinctly that in 462 B.C. the consul Lucretius had a triumph, and his colleague Veturius an ovation; Livy, iii. 8; Dion. Hal. ix. 71. They explain in detail the successes of each, and affirm that the city had recovered its energy after the plague; Livy, ib.; Dion. Hal. c. 69. Niebuhr, however, referring to the passage of Cicero in which he speaks of 'falsi triumphi,' decides that these triumphs were not derived from contemporaneous triumphal fasti, and that they are a forgery, agreeable to 'the vanity of the silly annalists,' and therefore adopted by them. He considers it an 'absolute impossibility,' that the triumphs could have followed so close upon the pestilence; ib. p. 253. But even if it be admitted that the pestilence in 463 and the triumphs in 462 B.C. are wholly inconsistent with each other (a point which our information does not enable us to determine), it does not follow necessarily that the triumphs are fictitious. It is equally conceivable that the pestilence may be fictitious, or may be exaggerated, or may have been assigned to a wrong year. These suppositions are indeed mere guesses, and do not admit of proof; but they are as legitimate as Niebuhr's supposition.

The narratives of events for the successive years at this period have however a general air of internal probability and coherence; and want nothing but external attestation to render them worthy of belief. Such inconsistencies as occur generally arise upon the comparison of different years with one another. Many of the notices are of a character which seems to betoken contemporary registration: such, for example, as the account of the consecration of the temple of Dius Fidius on the nones of June, on the Quirinal hill, by the consul Sp. Postumius, in the year 466 B.C.(213) The minute description of the plague in 463 B.C. (33 years before the plague of Thucydides), of the persons in high stations who died of it, and of the danger to which the city was exposed from the Volscian and Æquian forces during the weakness caused by the pestilence, is likewise recommended by its natural appearance, and by its mention of minute circumstances, which none but a contemporary annalist was likely to record.(214) The same remark applies likewise to the accounts of prodigies at this period: thus Livy states that, in 464 B.C., lights were seen in the sky, and other alarming appearances; for which a vacation of three days, and prayers in the temples, were decreed:(215) and again, we are informed that in 461 B.C. unusual brightness was seen in the heaven, there was an earthquake, a heifer spoke, and another extraordinary prodigy occurred, which is thus described. There

(213) Dion. Hal. ix. 60. Dionysius refers the erection of the temple to Tarquinius Superbus, but other accounts trace it to Tatius; see Prop. v. 9, 74; and Tertullian ad Nat. ii. 9; also Becker, vol. i. p. 576; and Merkel ad Ov. Fast. p. cxxxvi. Livy does not mention the consecration of this temple.

(214) See Dion. Hal. ix. 67-8. The account of Livy, iii. 6-7, is less detailed; he describes the enemy as not advancing to the walls. Compare the account of the plague, in Dionysius, ix. 42, which he describes as stopping the progress of Volero's rogation. With respect to the former plague Niebuhr remarks: 'When Dionysius paints the misery it brought with it, he is evidently borrowing from Thucydides, or indulging in rhetorical invention;' vol. ii. p. 273. He assumes however, that it was the subject of contemporaneous registration, for he says: 'We are not to suppose that its ravages were confined within the horizon which *at that time* bounded the view of the Roman annalists: they undoubtedly spread over the whole peninsula, and produced or promoted many changes;' ib. p. 274. Dr. Arnold, vol. i. p. 224-6, likewise treats these Roman pestilences as historical.

(215) Livy, iii. 5.

was a shower of flesh, and while the pieces of flesh were in the air, many were caught by flocks of birds; those that reached the ground lay for several days without undergoing putrefaction. A search was made in the Sibylline books for warnings applicable to the dangers indicated by these omens: and the decemvirs reported that a battle with foreigners in the city was impending,(216) but that it would be preceded by civil conflicts: they were therefore admonished to compose all internal dissensions, and to offer prayers and sacrifices to the gods. Livy adds that the tribunes complained that this announcement had been made by the patrician curators of the sacred books in order to hinder the passage of the Terentillian law, which had been already proposed.(217) In a later year, 458 B.C., there is a notice of wolves

(216) This alludes to the seizure of the Capitol by Herdonius in 460 B.C. See Dion. Hal. x. 9, where the fulfilment of the prediction is pointed out.

(217) Dion. Hal. x. 2, 3; Livy, iii. 10; Val. Max. i. 6, 5; Pliny, N. H. ii. 57. All these writers agree in the account of the shower of flesh. Dionysius and Livy concur as to the warning to abstain from sedition. The speaking of oxen is a common Roman prodigy, and is often mentioned; see Steger, die Prodigien (Brunswick, 1800), p. 121; Ruperti ad Liv. i. 31. It was of such frequent occurrence, that a practice had been established for the Senate to hold its sitting in the open air, whenever this prodigy was officially reported: 'Est frequens in prodigiis priscorum, bovem locutum; quo nuntiato, senatum sub dio haberi solitum;' Plin. N. H. viii. 70. No other example of a shower of flesh occurs among the Roman prodigies; showers of blood and of milk are mentioned; Steger, ib. p. 100-2: also of wool, bricks, and iron; Plin. ii. 57: showers of fish, corn, and honey occur in later times; Steger, ib. p. 98, 99, 103. Niebuhr thinks that the shower of flesh was a natural phenomenon, which really happened. 'If no such appearance had ever occurred again (he remarks), would this warrant us in denying the truth of a statement attested by contemporary authority?' ib. p. 277. We have no proof that this statement is attested by contemporary authority; the utmost is a probable supposition. The notice from the commentaries of the Quinqueviri for the year 298 U.C. (=456 B.C.), cited in Censorinus, c. 17, does not, as Niebuhr thinks (ib. p. 277), imply contemporary registration. Even, however, if the shower of flesh had been recorded at the time when it was supposed to have occurred, its reality would not stand on a firmer ground than the other marvellous showers mentioned above. Niebuhr supposes a causal connexion between the pestilences, volcanic convulsions, and aurora borealis of this period (ib. p. 275-6), a supposition which seems to me fanciful. Concerning the aurora borealis, see Steger, ib. p. 27. The bloody rain, which frequently occurs as a prodigy in Livy and the Roman writers, and is also mentioned by Homer and Hesiod (Iliad, xvi. 459; Scut. Herc. 384), receives much light from the following passage in Admiral Smyth's recently published work on the Mediterranean (London, 1854, 1 vol. 8vo): 'In my account of

having been seen in the Capitol, and put to flight by dogs: and of the Capitol having been purified on account of this prodigy.(218) Such notices could not have been derived from oral tradition; and they have a hieratic character, such as we may suppose to have belonged to the early pontifical annals or to the registers of the priests. But as the practice of fabricating annals

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Sicily and its Islands (p. 6), I mentioned that on the 14th of March, 1814, on a warm hazy day, thermometer 63¼°, and barometer 29·43 inches, it rained in large muddy drops, which deposited a very minute sand, of a yellow-red colour. Since this record was published, similar *dust-rain*, *blood-rain*, or *scirocco-dust* has attracted philosophical inquiry; and the crowning of the beautiful theory of atmospheric circulation only awaits the obtaining and examination of additional samples. By the zealous exertions of Prof. Ehrenberg, the revealment of a truly wondrous and invisible working and vitality in myriads of infusoria pervading the atmosphere, has followed the microscopic scrutiny of this dust. Among the organisms, the Professor has recognised polygastrica, phytolitharia, and many varieties of siliceous-shelled infusoria, which minimum types of life constitute perhaps so large a proportion as one-fifth of the whole quantity examined. What cyclical relation these creatures have in regard to different atmospheric strata, still remains for continued inquiry; but it is ascertained that they float in the air together with masses of fixed terrestrial matter, as flint-earths, chalk, and ferruginous oxides. It has also been found that the Mediterranean dust, and that of the Atlantic, possess a striking similarity of organic composition;' p. 293.

(218) Lupos visos in Capitolio ferunt a canibus fugatos; ob id prodigium lustratum Capitolium esse; Livy, iii. 29. Other instances of this prodigy are recorded in later years: thus, in 196 B.C. it is mentioned that a wolf entered the city by the Esquiline gate, passed through the forum, and escaped almost unhurt by the Capene gate; Livy, xxxiii. 26: and in 177 B.C. a wolf entered the city during the day by the Colline gate, and escaped by the Esquiline gate; ib. xli. 9. Similar prodigies are noted at Capua, 207 B.C., (ib. xxvii. 37); and at Formiæ, 197 B.C., (ib. xxxii. 29). Julius Obsequens mentions wolves having been seen during the day in the Esquiliæ, and on the Quirinal in 165 B.C., c. 72 (11), a wolf entering the city in 104 B.C., c. 103 (42); a wolf which had entered the city being killed in a private house, in 96 B.C., c. 109 (48); wolves entering the city in 93 B.C., c. 112 (51); wolves seen in the city, 64 B.C., c. 123 (62). Orosius, iv. 2, states that in 277 B.C. three wolves entered the city at night, brought with them a half-eaten corpse, and left it mangled in the forum. It was a bad omen when wolves tore up the landmarks of the colony of C. Gracchus at Carthage; Appian, B. C. i. 24; Plut. C. Gracch. 11. Wolves in the city are mentioned as prodigies by Dio Cass. xxxix. 20, xl. 17, xli. 14, xliii. 2, liii. 33. In liv. 19, it is stated that a wolf came through the Via Sacra into the forum, and killed some men. In l. 10, it is said that a wolf which entered the temple of Fortune was caught and killed. In xlvii. 1, xlviii. 6, wolves in the camp are mentioned. All these occurrences were between 50 and 16 B.C. Other illustrations of the ominous appearance of wolves are given in Steger, Prodigien, p. 151.

for early periods was followed in later times, and as there is nothing in these occurrences which a skilful restorer might not have produced, it is impossible for us to form any sure judgment on their authenticity.(219)

(219) See above, vol. i. p. 165.

PART III.—FROM THE TERENTILLIAN ROGATION TO THE OVERTHROW OF THE DECEMVIRAL GOVERNMENT.

(462—449 B.C.)

§ 36 IT is a peculiarity of the constitutional history of Rome, as it is related to us, that after an agitation of some years for one demand of the popular party, another demand succeeds, without any apparent redress of the former grievance, or any distinct explanation of the reason why one claim is abandoned, and another takes its place. The first grievance of the plebeians is the Law of Debt, which produces the first secession: but Livy and Cicero both describe this movement as leading only to the establishment of the tribunate, and not to a remission of debts, or to an alteration of the law of insolvency. Yet from this time the complaints about the law of debt cease, and the agrarian movement takes its place. Both historians represent the patricians as making a successful stand against a division of public land among the plebeians, until the sending of a colony to Antium in 467 B.C.: nevertheless, from this year the agrarian question falls into the background, and another subject steps into the most prominent place. Livy and Dionysius indeed differ as to the course of the agrarian agitation; for whereas the former conceives the tribunes as proposing a series of laws, all of which are successfully resisted by the patricians, the latter states that the Senate in the year of Cassius passed a general measure for the division of the public lands, but that the successive consuls never would carry it into effect; that a solemn compact made between the Senate and the plebs was broken; and that the efforts of the tribunes were directed exclusively towards procuring the execution of the unexecuted decree. In the practical result however, that the division of the public lands was averted by the patricians, they concur.

The question which now supersedes the agrarian movement in importance, is the proposal for a code of written laws, made by the tribune Terentillus. The account which Dionysius gives

is, that under the kings there were no written laws, and that their jurisdiction was arbitrary; that this system had been continued under the Republic, with a mere transfer of the jurisdiction to aristocratic magistrates; and that a few regulations, having the force of law, were alone preserved in sacred books, accessible to none but patricians. A proposal to meet this evil, and to introduce a written enactment of equal rights to all the citizens, was made by C. Terentillus, and reduced into a more precise form by A. Virginius in the following year. The proposition of Virginius was, that ten men, of advanced age, distinguished by their wisdom and good character, should be elected by the people in a legal assembly: that these persons should collect and put in writing the laws on all subjects affecting the public and private rights of the citizens; and that this written statute should be preserved in the forum, as a standard both for magistrates and private persons. The tribunes announced their intention of putting this measure to the vote in comitia tributa.(1) Livy places the subject in a different light: he describes the law proposed by Terentillus as having no reference to the want of written laws, or to the inequality of the rights of the citizens, but as aimed exclusively at the excessive powers of the consuls, and as intended to limit their discretionary authority. According to his statement, the proposition is that five commissioners be appointed to prepare a law for defining the powers of the consuls.(2)

§ 37 This rogation (whatever was its precise nature) was met with strenuous opposition by the patricians, and violent commotions took place, in which Kæso Quinctius, the son of L. Quinctius Cincinnatus, distinguished himself by his impetuosity. The tribunes decide to impeach him, but the people, moved by his father's arguments and entreaties, are about to

(1) Dion. Hal. x. 1-3. Dionysius calls the tribune Caius Terentius; Livy calls him C. Terentillus Arsa: but his MSS. vary between Terentius, Terentillus, and Terentillius, or Terentilius, iii. 9. See Niebuhr, vol. ii. n. 634.

(2) iii. 9-10. The words attributed to him are: 'Quæ ne æterna illis licentia sit, legem se promulgaturum, ut quinque viri creentur legibus de imperio consulari scribendis.' *Legibus* here does not mean 'laws,' but 'conditions,' 'restrictive regulations.'

vote his acquittal, when M. Volscius Fictor(3) charges him from his personal knowledge, with a brutal homicide and outrage, committed two years before, at the time of the plague, upon his own brother. The trial of Kæso for this new charge is postponed, and he is admitted to bail;(4) but before the day of trial, he goes into exile: the money is exacted from his ten sureties by the tribunes, but is replaced by his father, who is thus reduced to live in penury in a small cabin beyond the Tiber.(5) These circumstances are clearly narrated by both historians. They agree in considering Volscius as a false witness; though it is difficult to reconcile this view with their account of the conduct of K. Quinctius when the accusation is made. Dionysius states distinctly that the testimony of Volscius was false; that the charge was fabricated by the tribunes, and that Kæso, as became afterwards manifest, was the victim of a malicious conspiracy.(6) He does not indeed mention how or when this discovery was made; nor does he revert to the subject; but we obtain from Livy an account of the circumstances to which he probably alludes. Two years after the exile of Kæso, the quæstors Cornelius and Servilius gave notice of trial to Volscius, on the ground that he testified falsely against Kæso: they undertook to prove that the brother of Volscius, whom he alleged to have been killed by Kæso in the open street, had died of the plague, and had never risen from his bed; they likewise offered to establish an alibi by the evidence of witnesses who had been with Kæso in the field with the army at the time when the supposed offence was committed. Volscius did not venture to meet the charge: but the tribunes were able to postpone the

(3) Dionysius says that he was one of the tribunes of the year; Livy, that he had been a tribune some years before.

(4) According to Livy, this was the first occasion on which a person accused of a public crime was admitted to bail: hic primus vades publicos dedit, ii. 13.

(5) Dion. Hal. x. 4-8: Livy, iii. 11-14. The latter states that the money was exacted with severity from the father by the tribunes: pecunia a patre exacta crudeliter, iii. 13. Dionysius says that it was paid voluntarily to the sureties.

(6) Καίσων μὲν οὖν τοιαύτῃ περιπεσὼν ἐπιβουλῇ, κατασκευασαμένων ἅπαντα

trial till the following year, when the notice was renewed by the quæstors, and the trial was finally brought on by the dictator, L. Quinctius Cincinnatus, the father of Kæso, when Volscius was condemned, and went into exile at Lanuvium; but this proceeding could only purge the memory of Kæso, and could not restore him to his country, as he had already died in exile.(7) From this account it follows that Livy means to represent Volscius as having given wilfully false testimony against Kæso, and as having been justly condemned: but it is not so easy to understand why, if Kæso had been absent from Rome with the army at the time when the homicide was alleged to have been committed, and if the murdered man had died a natural death, he should not have met his accuser, and have made an attempt to establish a defence which rested on such patent facts, instead of shrinking from a trial, and going, before the day appointed for it, into exile. A similar view as to the innocence of Quinctius is also contained in the speech Pro Domo (which, if it be not the genuine work of Cicero, is earlier than Quintilian). He is there stated not only to have been unjustly condemned, but to have been afterwards recalled from banishment by the people.(8)

The improbabilities of the preceding account seem so great to Hooke, that he supposes Kæso to have been guilty not only of the misdemeanors with which the tribunes charged him, but

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τῶν δημάρχων, καὶ Οὐολουσκίου ψευδῆ μαρτυρήσαντος, ὡς ἐγένετο φανερὸν σὺν χρόνῳ, φεύγων εἰς Τυρρηνίαν ᾤχετο; Dion. Hal. x. 8. In a subsequent speech, Appius blames the senate for having allowed K. Quinctius to be condemned upon false charges: ὅτε Κοίντιον Καίσωνα τῷ παρελθόντι ἐνιαυτῷ κρίνειν ἐπ' αἰτίαις ψευδέσιν εἰάσατε, c. 13.

(7) Livy, iii. 13, 24, 25, 29. The notice of Kæso's death is given obliquely in the following sentence: 'Is [T. Quinctius Capitolinus, one of the quæstors] quoniam neque Quinctiæ familiæ Kæso, neque reipublicæ maximus juvenum restitui posset, falsum testem, *qui dicendæ caussæ innoxio potestatem ademisset*, justo ac pio bello persequebatur.' c. 25. From this passage it appears that Livy considers Kæso to be already dead, and Volscius to have been a false witness. In what manner Volscius deprived Kæso of the power of making his defence, does not appear.

(8) At vero, ut annales populi Romani et monumenta vetustatis loquuntur, Cæso ille Quintius, et M. Furius Camillus, et M. Servilius Ahala, cum essent optime de republicâ meriti, tamen populi incitati vim, iracundiamque subierunt; damnatique comitiis centuriatis cum in exilium profugissent, rursus ab eodem populo placato sunt in suam pristinam dignitatem restituti. Cic. pro Domo, c. 32. Dionysius represents the trials of

also of the murder of which he was accused by Volscius; and he conjectures that Volscius did not obtain the surname of Fictor from his having given false evidence, but that false evidence was in after times imputed to him by the historians, merely on account of his name, which meant nothing worse than *the potter*.(9) A similar view of this narrative is taken by Niebuhr;(10) who has been followed by Dr. Arnold.(11) If Hooke's supposition respecting the cognomen Fictor is adopted, we must assume that the story of the false evidence of Volscius is a legend growing out of a name, similar to the legends of the birth of Servius from a female slave, of Mucius Scævola burning his right hand, of Valerius Corvus and the raven settling on his helmet, of Ahenobarbus and his beard changing colour. On the other hand, if we believe the account of the trials of Kæso Quinctius and Volscius to be historical, we are not entitled to assume that the evidence of Volscius was true—we must either take the statements of our historians, as we receive them; or admit that our knowledge of the events is too obscure and imperfect to justify us in forming any confident opinion on the subject. Still less can we adopt the hypothesis of Niebuhr that Kæso was a party to the subsequent enterprise of Herdonius, and that his death, mentioned by Livy, had in fact taken place at the assault of the Capitol, when he fell by the hands of his countrymen.(12) The

patricians at this period, beginning with Coriolanus, to take place in *comitia tributa*. This is another example to show how indistinct the ideas of the writers in the literary age were respecting the different assemblies in the early period of the republic.

(9) Note to b. ii. c. 23. Compare Figulus, a family cognomen of the Marian gens, and Pictor of the Fabian gens. *Fictor* occurs in the general sense of a statuary.

(10) Hist. vol. ii. p. 296, 299; Lect. vol. i. p. 182-4. In the latter passage he says: 'This surname, Fictor, probably from *fingere*, is one of the examples in which either the name arose from the story or the story from the name; so that the statement 'the plebeian M. Volscius Fictor was condemned, gave rise to the story that he had given false evidence.' This explanation assumes that Volscius was really condemned for some offence; and differs from Hooke's, which supposes that the story had its origin in the name.

(11) Vol. i. p. 231-9.

(12) '*It can scarcely be doubted* that Kæso was present, and that he perished in this enterprise.' Hist. vol. ii. p. 296. '*It seems certain* that there was evidence of a conspiracy in which Kæso Quinctius was an accom-

silence of our historians is conclusive against the possibility of such a report having been known to them: if Kæso had acted the part of Coriolanus on this occasion, and had put himself at the head of the band of slaves and outcasts who are stated to have seized the Capitol, he would have been the most important and remarkable man amongst them; his courage, station, and treason to his country, would have attracted attention, and his death would have been infallibly recorded, as the most remarkable incident in the entire transaction.(13)

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plice, and that a promise had been given to Appius Herdonius to make him king of Rome if the undertaking should succeed. It is not impossible that this may rather have been a conspiracy of the *gentes minores*, for we can still perceive a great gulf between them and the *majores*. The Capitol was taken by storm, the slaves found there were nailed on crosses, and all the freemen were executed. *There seems to be no doubt that Kæso Quinctius was among the latter;* and this may have led his father, in the following year, to take revenge in a manner which is pardonable indeed, but ignoble, by exiling Volscius, the accuser of his son.' Lect. vol. i. p. 183. For the supposition that Kæso took part in the attempt of Herdonius, there is no other foundation than the rumours and allegations of the tribunes, *before* the event, alluded to by Dion. Hal. x. 9, 10. The allegations of the tribunes must be taken in connexion with the story of the forged letter, to which Niebuhr makes no allusion. Niebuhr supports his view of treachery at Rome, in concert with the *gentes minores* (the distinction between them and the *gentes majores* being, it should be remarked, an invention of his own), by referring to 'the *patrician* clients, under the command of the Sabine, Appius Herdonius,' ib. p. 182: but the πελάται and θεράποντες mentioned in Dion. Hal. x. 14, are the retainers and slaves of Herdonius himself, not of the Roman patricians. The whole narrative of Livy and Dionysius goes to show that there was no concert with either party at Rome; that the patricians were the first to come forward, and that the plebeians held back, only because they wished to make terms for the Terentillian law. Dr. Arnold, as usual, adopts the groundless hypothesis of Niebuhr: 'Had we (he says) the real history of these times, we shall find in all likelihood that the truth in the stories of Kæso and Coriolanus *has been exactly inverted;* that the share of the Roman exile in the surprise of the Capitol has been as unduly suppressed as that of the Roman exile in the great Volscian war has been unduly magnified; that Kæso's treason has been transferred to Appius Herdonius, while the glory of the Volscian leader, Attius Tullius, has been bestowed on Coriolanus.' ib. p. 235. Kæso's treachery receives further development in Dr. Arnold's hands: 'Meanwhile, a darker plot was in agitation: *Kæso held frequent communication with them;* he had joined himself to a band of exiles and runaway slaves from various quarters, *such as abounded in Italy then no less than in the middle ages,*' &c. p. 233. Dr. Arnold's view of Attius Tullius is likewise borrowed from Niebuhr, vol. ii. p. 105, and is equally unsupported.

(13) Cincinnatus, the father of Kæso, when elected consul in the place of Valerius, is represented by Livy as reproaching the tribunes with their factious opposition to the efforts of the consuls to arm the people, when Herdonius was in the Capitol; and as arguing that they deserved the same

There is however an account of Kæso in an ancient writer, which represents him as guilty of treason to his country, though not in the manner supposed by Niebuhr. In the work '*De Viris Illustribus*,' which passes under the name of Sextus Aurelius Victor, it is stated that Kæso was renounced by his father, and deprived of all his hereditary rights, on account of his insubordinate conduct; that he was also branded by the censors, and that he fled in consequence to the Volscians and Sabines, who were waging war against the Romans under Clœlius Gracchus, and were besieging the consul Minucius with his army at Mount Algidus: and that Minucius was subsequently liberated by Cincinnatus.(14) This story is indeed left imperfect; as it does not state what happened to Kæso when his father defeated the enemy, and took their general prisoner. It is however altogether different from the received accounts; for not only are they ignorant of the flight of Kæso to the camp of Clœlius Gracchus, but they suppose that, instead of being repudiated by his father, he is defended and protected by him when prosecuted by the tribunes, and they certainly make no mention of the censorian brand; the office of the censors not being, according to the ordinary statement, created until the year 443 B.C., fifteen years afterwards.(15) Aurelius Victor, on the other hand, evidently

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fate as Herdonius. Aulus ille Virginius, quia in Capitolio non fuit, minus supplicii, quam Ap. Herdonius, meruit? plus hercule aliquanto, qui vere rem æstimare velit. Herdonius, si nihil aliud, hostem se fatendo prope denunciavit, ut arma caperetis: hic, negando bella esse, arma vobis ademit, nudosque servis vestris et exulibus objecit. iii. 19. Livy would not have put such words in the mouth of Cincinnatus, if he had thought that the son of Cincinnatus was the real leader of the enterprise, and had been put to death as a prisoner when the Capitol was retaken.

(14) L. Quinctius Cincinnatus filium Kæsonem petulantissimum abdicavit, qui et a censoribus notatus ad Volscos et Sabinos confugit, qui duce Clœlio Graccho bellum adversum Romanos gerebant, et Q. Minucium consulem in Algido monte cum exercitu obsidebant. Quinctius dictator dictus, &c. c. 17. Dionysius, x. 22, and Livy, ii. 25, both describe Gracchus Clœlius as general of the Æquians, not of the Volscians and Sabines; and in Livy, iv. 9, the Volscians are described as being led by Clœlius an Æquian. *Petulans* in this passage nearly corresponds to the Greek ὑβριστής.

(15) According to a rescript of Diocletian and Maximian (287 A.D.), preserved in the code, i. 46, 6, the *abdicatio* of children was not recognised by the Roman law. 'Abdicatio, quæ Græco more ad alienandos liberos usurpabatur, et ἀποκήρυξις dicebatur, Romanis legibus non comprobatur.'

knows nothing of the misdeeds attributed to Kæso in Dionysius and Livy, and conceives his offences to be of a different character. It should be added that Livy represents Kæso to have been already dead at the time when Aurelius Victor supposes him to have gone over to the enemy.(16) The story of Aurelius Victor does not indeed come to us recommended either by internal probability, or good external attestation; but if Niebuhr was desirous of proving Kæso Quinctius to have been guilty of treachery to his country, the accusation would have received some colour of support from the story of his flight to Clœlius Gracchus, whereas the hypothesis of his complicity with Herdonius is wholly destitute of foundation.

§ 38 It has been already remarked that Dionysius does not state how the falsehood of the testimony of Volscius was discovered; but he appears to connect the proceedings of the tribunes at the trial of Kæso with an incident which he relates under the succeeding year. He describes the plebs as mitigated by the courtesies and cajolery of the patricians, and as relaxing its eagerness for the Terentillian law;(17) and in order to revive its zeal, the tribunes are stated to have recourse to the following stratagem. They forge a letter, giving an account of an intended treasonable conspiracy of the patricians, and cause it to be delivered to them by an unknown man, as they are sitting together in the forum: they immediately feign alarm; and rumours of imminent danger are circulated through the city. The Senate meets; Virginius lays before it the information which has reached the tribunes, and asks for powers of inquiry into this dangerous plot. The senators are struck with amazement, and are at a loss what to do: it seems equally diffi-

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But see Arntzen's note on Victor, and the example which he cites from Livy, Epit. 54. The term ἀποκήρυξις occurs in Plut. Them. 2, where it is stated that, according to some accounts, Themistocles was repudiated by his father.

(16) Livy, iii. 25. The mention of Kæso's death precedes the Æquian war, and the embassy to Gracchus Clœlius.

(17) The same description of the demeanour of the patricians towards the plebeians at this conjuncture is given by Livy, iii. 14. Benigne salutare, alloqui plebis homines, domum invitare, &c.

cult to give to the tribunes a power of investigation, and to withhold it: when the consul Appius relieves their difficulty, by remarking that the information is anonymous, by challenging the tribunes to produce their informant,-and by accusing them of having themselves forged the letter upon which they relied. The Senate are so satisfied by these arguments, that they refuse to hear anything further from Virginius, who then convenes a popular assembly, and accuses the Senate and consuls; but Appius attends it, and by repeating the same arguments which he had used before the Senate, he convinces all the well-intentioned among his hearers of the emptiness of the alarm.(18) Hooke treats this narrative with contempt, as utterly destitute of probability, and as a private invention of Dionysius, or some of his predecessors.(19) Livy speaks of the efforts made at this time by the tribunes to create suspicions of treasonable designs on the part of the patricians; in particular, they are accused of intending to destroy the tribunician power, and to restore the constitution to the state in which it was before the secession:(20) but he says nothing of the forged letter.

§ 39 The prophecy in the Sibylline books was soon fulfilled, and the fears of the tribunes verified, by the enterprise of Herdonius, a Sabine, who with a large band of slaves and exiles(21) entered Rome at night, and obtained possession of the

(18) Dion. Hal. x. 9-13.

(19) 'Such is the story Dionysius has given us of the deep laid scheme, the wonderful contrivance of the tribunes, to prevent any farther opposition to their bill. They gravely and pathetically request of the Senate to erect them into a court of inquisition for examining into the treasonable practices, and disposing of the liberties and lives of the Roman Senators and Knights. And the ground of this modest demand is a letter which they pretend to have received from some strangers, advising them of a plot formed by the nobles of Rome against the Commons. The Senators, though they lay their heads together, are embarrassed, and much at a loss for an answer. But the Consul Claudius being a man of deep penetration, and a ready wit, it comes into his mind, to ask the tribunes, who sent the letter? and who brought it? and they wont tell; and so there's an end of the matter.' b. ii. c. 21.

(20) iii. 15.

(21) Livy says 'exsules servique;' Dionysius πελάται and θεράποντες; c. 14. Dionysius afterwards speaks of Herdonius expecting that exiles would return; c. 15. There is, however, nothing in the history of the

Capitol.(22) He is described as offering liberty to the slaves; and as reckoning upon the disaffection of the plebeians and the assistance of foreign enemies: but although the tribunes refuse to allow the plebeians to take arms, until Valerius the consul promises that the Terentillian rogation shall no longer be impeded, the internal discord is healed by this concession, an attacking force is formed, and the Capitol is stormed and retaken, Valerius being killed in the conflict. There are many inconsistencies in detail between the narratives of this singular irruption given by our two historians,(23) which differs from the seizure of the Athenian acropolis by Cylon, as being the attempt of a foreign enemy: but in substance they agree. With our imperfect knowledge of the state of Rome at this time, we cannot say that such a surprise is incredible; and it seems unlikely that a story not tending to the glory of Rome—but showing both its external weakness and its internal discord—should have been invented by Roman annalists, and that it should have been inserted in their histories, unless it had been founded on fact.

§ 40 When the safety of the city is restored, the time for the fulfilment of the late consul's promise arrives; but faith is

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previous years which accounts for the existence of a large body of Roman exiles at this time: the Tarquinian exiles must be supposed to be exhausted. Livy states the number of his followers at 4500; Dionysius at about 4000. Niebuhr's remarks on this number are fanciful; vol. ii. n. 670.

(22) According to Dionysius, c. 14, they entered by the ἄκλειστοι πύλαι of the Capitol; c. 14. There was much legendary matter respecting this Porta Pandana. See Becker, vol. i. p. 120, 137; Schwegler, vol. i. p. 487. Above, vol. i. p. 425. Dionysius, ib. identifies it with the Porta Carmentalis, which the modern critics decide to be a mistake; but it is very likely that the traditionary names of these ancient gates fluctuated in later times. See vol. i. p. 284.

(23) Livy, iii. 15-8; Dion. Hal. x. 14-16. See the note of Hooke, b. ii. c. 22, in which many of these inconsistencies are indicated. The accounts of the measures of the consuls, with respect to the opposition of the tribunes, differ in many material points. Hooke says that 'in describing the attack of the citadel, Dionysius is as particular and circumstantial *as if he had been there*, but by his detail makes that appear impracticable which he says was effected.' His account specifies days, and parts of days. The Capitol is recovered on the third day; c. 16. Zonaras, ii. 18, likewise mentions the seizure of the Capitol, and the refusal of the people to take arms until they had made terms with the patricians. He places the event, however, *after* the rescue of Minucius by Cincinnatus. See also Orosius, ii. 12.

again broken with the plebeians: the Terentillian rogation is postponed by Appius on the ground that a single consul cannot convene the comitia. The patricians procure the election of Cincinnatus in the place of Valerius;(24) and he succeeds, partly by threats and a severe enforcement of military service, and partly by an impartial administration of justice, in appeasing the desire of the people for the enactment of the law.(25)

Two years afterwards, the celebrated dictatorship of Cincinnatus occurs. The city of Tusculum is taken by the Æquians; which the Romans consider to be an infraction of their recent treaty with that nation, inasmuch as Tusculum is an allied Latin town.(26) They accordingly send ambassadors to complain of the breach of the treaty: Gracchus Clœlius, the Æquian general, receives them with contumely, telling them to deliver their message not to him, but to the oak under which he is sitting.(27) In consequence of this answer, the consul Minucius marches out to attack the Æquians; but he is surrounded by them, near Mount Algidus, and is in imminent danger of defeat.(28) The other

(24) Niebuhr here applies his groundless theory respecting the election of the consuls already noticed (p. 141, n. 154), and supposes that Cincinnatus was elected by the Senate and curiæ. See vol. ii. p. 297, and notes 389, 425, and 676. He further speaks of his election being illegal, p. 298. There is not in the ancient writers the slightest foundation for these assertions; Dionysius minutely describes his election by the centuries; saying that the eighteen centuries of knights and the eighty centuries of the highest class all voted for him, which gave him an absolute majority of three; so that the other centuries were not called on to vote; x. 17. See above, vol. i. p. 494, n. 71. The account of Livy is quite consistent with this; he says that Cincinnatus is appointed consul, 'summo patrum studio;' iii. 19, and at the end of the year he describes the resistance made by Cincinnatus to the desire of the Senate to promote his re-election; ib. 21.

(25) Dion. Hal. x. 17-19; Livy, iii. 19-21.

(26) This treaty is mentioned by Dion. Hal. x. 21. Compare ix. 59; Livy, iii. 24. Niebuhr, vol. ii. p. 269, disbelieves in the existence of this treaty, but it is as well attested as any other event at this period.

(27) Dionysius calls it a *φηγός*, x. 22. Livy, a *quercus*, iii. 25. Dio Cassius, a *δρῦς*, xxiii. 1. Livy names the three ambassadors, viz; Q. Fabius, P. Volumnius, A. Postumius. Dionysius states that the Feciales were sent. Concerning Mount Algidus, see Dr. Smith's Dict. of Anc. Geogr. in v. Dionysius calls Clœlius *ἀνὴρ δραστήριος, ἀρχῇ κοσμηθεὶς αὐτοκράτορι, ἣν ἐπὶ τὸ βασιλικώτερον ἐξήγαγεν*, x. 22. This is another instance of a dictatorial power in war in an Italian nation. Compare Val. Max. ii. 7, 7, v. 2, 2; Florus, i. 11; Eutrop. i. 17; Victor de Vir. Ill. 17.

(28) The position of Minucius is differently described by Dionysius

consul, Manlius, is summoned to Rome, and as the state of affairs is critical, he appoints Cincinnatus dictator.(29) The messengers of the Republic find him employed in rustic labour, with the spade, or at the plough, on his estate of four jugera, beyond the Tiber, in the place afterwards called *Prata Quinctia*.(30) He instantly enters upon his office; takes energetic measures for the relief of Minucius; and succeeds not only in saving the consul and his army, but in surrounding the Æquians, and passing them under the yoke. Cloelius is sent to Rome to adorn his triumph; and at the end of sixteen(31) days the dictator abdicates his high functions, refuses all reward, and returns to his little farm.

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and Livy. The former represents him as enclosed in a defile, something similar to the Caudine pass: according to the latter, he was deficient in courage, and was besieged by the Æquians in his camp.

(29) The appointment of Cincinnatus by the consul is specifically mentioned by Dion. Hal. x. 23. Livy uses general terms. The story of the dictatorship of Cincinnatus is afterwards recited in the speech of L. Valerius in Dion. Hal. xi. 20.

(30) Spes unica imperii populi Romani L. Quinctius trans Tiberim, contra eum ipsum locum, ubi nunc navalia sunt, quatuor jugerum colebat agrum, quæ prata Quinctia vocantur; Livy, iii. 26. The Prata Quinctia were opposite to the Navalia, north of the Campus Martius, between the present Castle of St. Angelo and the river. See Becker, vol. i. p. 660. A jugerum was equal to 28,800 square feet; and therefore the estate of Cincinnatus contained less than 2½ acres. He is supposed to have been impoverished by the money paid when his son Kæso's recognizances were forfeited; Dion. Hal. x. 8; Livy, iii. 13. The story of his being found by the officers of state in his working attire, and his remarking that he will lose the produce of his farm, and that his family will have nothing to eat, is *twice* given by Dionysius, once upon his appointment as consul, and again upon his appointment as dictator; x. 17, 24. Cincinnatus is described by Dionysius as nearly complying with the Virgilian precept, 'Nudus ara, sere nudus.' The same account is given by Pliny: 'Aranti quatuor sua jugera in Vaticano, quæ prata Quinctia appellantur, Cincinnato viator attulit dictaturam, et quidem ut traditur, nudo, plenoque pulveris etiamnum ore. Cui viator, Vela corpus, inquit, ut proferam Senatûs populique Romani mandata.' N. H. xviii. 4. Compare Florus, i. 11, and Victor de Vir. Ill. 17. Cicero mentions the anecdote of Cincinnatus being fetched from the plough, but refers it to the subsequent dictatorship of Cincinnatus in 439 B.C., when he was an old man; De Sen. 16. The anecdote is therefore told of the consulship of Cincinnatus in 460 B.C., of his first dictatorship in 458 B.C.; and of his second dictatorship in 439 B.C. Its connexion with the name Prata Quinctia is likewise a suspicious circumstance, like the connexion of the story of Tarquin's property with the Campus Martius and the Insula Tiberina, and of the story of Mucius Scævola with the Mucia Prata. Above, p. 7, 10, 19.

(31) Fourteen days are mentioned by Dion. Hal. xi. 20.

Niebuhr places this narrative on the same footing as the stories of the regal period; he dwells upon its internal improbabilities, and considers it as originating in a poem.(32) Dr. Arnold likewise relates it in the antique phraseology, imitated from that of the authorized version of the Bible, by which he indicates the legendary character of a narration.(33) It may indeed be true that the twelve palisades which the soldiers are said to have carried may be too heavy a burden for one man, even for a short distance;(34) that the time allowed for the march is too short; that the contrivance by which Cincinnatus is said to have encompassed the Æquian camp appears inadequate; and altogether that the celerity and completeness of the dictator's success savour rather of fiction than of reality.(35) It is likewise true that the accounts of Livy and Dionysius differ in material circumstances of the transaction. It is however impossible for

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(32) 'This legend will not stand the test of historical criticism, any more than those which refer to the time of the kings. But such a test must not be applied to it, any more than to them. The *poet*, whether he sang his story, or told it, had no need to reflect,' &c.; vol. ii. p. 268. 'Out of this whole story, therefore, nothing remains as an undeniable historical fact, except at the utmost that Cincinnatus as dictator delivered the beleaguered army. This, I say, is all at the utmost. What, however, if this exploit was achieved by Q. Fabius?' ib. p. 270. 'The whole story is a dream as much as anything that occurs in the Heldenbuch. . . . I do not mean, however, to assert that the dictatorship of Cincinnatus is altogether unhistorical;' Lect. vol. i. p. 182. In Hist. ib. p. 299, he seems to reject the whole account, for he says that the prosecution of Volscius 'appears to have been the *sole object* of that dictatorship which Cincinnatus laid down in the 16th day of his office;' See Livy, iii. 29. This was the dictatorship to which he was, according to the historians, appointed in order to rescue Minucius.

(33) Vol. i. p. 201-7. Compare 238.

(34) According to Livy, each soldier was to carry, besides his arms, cooked provisions for five days, and twelve stakes: cum cibariis in dies quinque coctis vallisque duodenis, iii. 27. The common practice in the time of Polybius was for each Roman soldier to carry three or four stakes, tied together, xviii. 1. Livy, Epit. 57, mentions that Scipio Africanus exercised a severe discipline in Spain; 'militem quotidie in opere habuit, et triginta dierum frumentum ad septenos vallos ferre cogebat.' Corn for thirty days and seven stakes, does not differ very widely from cooked provisions for five days and twelve stakes. It is to be observed that the march to Mount Algidus is represented as a single great exertion. See Becker, iii. 2, p. 323.

(35) Compare the Emperor Napoleon's strategical criticism on Virgil's account of the capture of Troy: Classical Museum, vol. i. p. 205.

us to form any well-grounded judgment upon this, as upon other narratives belonging to the same period of Roman history, in our present state of ignorance as to the sources from which they were originally derived, the time when they were first reduced to writing, and the testimonies by which those accounts were authenticated. To say that the story of Cincinnatus was derived from a poem, avails nothing towards determining its historical credibility: for the poem might have been composed by a contemporary, and have kept close to the real facts; whereas a prose narrative might have been framed in later times from oral traditions, floating in the mouths of the people, and derived more from fiction than from the memory of trustworthy witnesses. If we could trace the story up to a period lying within the limits of accurate tradition, we might accept its basis as historical: for there is nothing in its general outline which renders it unworthy of belief.(36) The Romans doubtless, like other nations, both ancient and modern, were desirous of magnifying their military successes, and mitigating their defeats.(37) But it is nevertheless certain that (notwithstanding the imputations of unfairness made upon it),(38) on the whole, the Roman history, as narrated by the Roman writers themselves, is characterized by the plain and direct manner in which the reverses of the Roman arms are related, and by the absence of all concealment, evasion, or apology on the subject. The humiliation inflicted by Corio-

(36) It is a suspicious circumstance, pointed out by Niebuhr, Hist. vol. ii. n. 613, that Clœlius, the Æquian general in command of a Volscian army, besieged in Ardea, is again surrendered to the Romans, and all his army passed under the yoke, 443 B.C. (Livy, iv. 9-10). He thinks that if Clœlius was led at the triumph of Cincinnatus, he would have been afterwards beheaded.

(37) See the account of the national partiality of Fabius Pictor, in his history of the Punic wars, given by Polybius, i. 14.

(38) See Beaufort's Dissertation in many places, and above, vol. i. p. 8; Niebuhr, Hist. vol. ii. note 567. Dr. Arnold says: vol. i. p. 207, 'In such a warfare as that of the Romans with the Æquians and Volscians, there are always sufficient alternations of success to furnish the annalists on either side with matter of triumph; and by exaggerating every victory, and omitting or slightly noticing every defeat, they form a picture which national vanity most delights in. But we neither can, nor need wish, desire to correct and supply the omissions of the details of the Roman historians.'

lanus upon his countrymen, the destruction of the Fabii at the Cremera, the battle of the Allia, with the capture of the city by the Gauls, and the surrender of the Roman army at the Caudine Forks, afford striking instances from the early period; but in the period of contemporary history—in the third and fourth decads of Livy, repeated defeats of the Roman armies are described, without any reserve or apparent reluctance. No attempt is made by Livy to disguise the true character of Hannibal's triumphant career; or to soften the disastrous consequences of the battle of Cannæ, and of his other victories.(39) It is true that these reverses are described as repaired by subsequent successes; but unless we disbelieve the entire course of Roman history, and deny that Rome rose from being a small Latin state, with a territory of a few miles in circuit, to be mistress of the whole civilized world, we must suppose that the Romans ultimately triumphed over each of their numerous foes. It is likewise true that we have not (except in the case of the Greeks) the advantage of comparing the Roman account with that of the conquered nation; an advantage which we enjoy in modern military history.(40) But, whatever may be the cause of the habit of the Roman historians, whether it be their reverence for fortune, and their fear of offending the gods by boasting of an uninterrupted career of good luck—or whether it be their contempt for the opinion of foreign nations, certain it is that the Roman history is peculiarly characterized by a plain-spoken acknowledgment of reverses in war, and of other

(39) Livy, after describing the battle of Cannæ in all its nakedness, adds: 'Hæc est pugna Cannensis, Alliensi cladi nobilitate par;' xxii. 50. This manly language is very unlike the evasive and reluctant tone in which modern historians generally describe the defeats of their countrymen. See likewise his account of the dismay at Rome when the news of the disaster arrived: 'Numquam, salvâ urbe, tantum pavoris tumultûsque intra mœnia Romana fuit. Itaque succumbam oneri, neque aggrediar narrare, quæ edissertando minora vero fecero;' c. 54.

(40) In Greece, says Müller, each state was able to check and control the historical accounts of the others, but in Italian history, one state has, by its arms, acquired the right of exercising an unlimited dominion over the past; Etrusker, vol. i. p. 124.

events inglorious to the Roman people.(41) Accounts of Roman successes in war, after previous defeats, are not therefore in themselves improbable, and only require good external attestation to render them worthy of belief.

§ 41 The struggle of the plebeians to procure the enactment of the Terentillian law continues, and the tribunes who conduct the contest against the Senate are re-elected for five successive years. The opposition of the tribunes is, as heretofore, carried on by the most effectual mode of stopping the supplies; that is to say, by hindering the enrolment of men for military service. In the year 457 B.C., however, the agitation for this law is suspended, and a compromise is effected by the assent of the Senate to a proposition for increasing the number of the tribunes from five to ten. Dionysius says that this measure was opposed in the Senate by Appius, who argued that if this concession was made, the agrarian law, and the law for equality of rights, would soon be revived; but that Cincinnatus persuaded the Senate to agree to it, by citing the opinion of the father of Appius, that the tribunes were to be managed by promoting dissension within their body; whence he inferred that an increase of their number would diminish their power. The law was then passed, with a prohibition to re-elect any of the tribunes of the preceding year.(42) What important advantage was derived by the plebs from the increase in the number of tribunes

(41) Polybius says that the knowledge of his history being likely to be read by Romans prevents him from bestowing unmerited praise upon them, as they would discover the falsehood of such panegyrics; xxxii. 8.

(42) See Dion. Hal. x. 26-30; Livy, iii. 30. Livy adds that the tribunes were to be elected 'bini ex singulis classibus.' This must allude to the five classes of the Servian census. Asconius ad Cic. Corn. likewise states that the original five tribunes were chosen 'singuli ex singulis classibus:' see Becker, ii. 2, p. 252, 256. The reference to the five classes seems to imply that the tribunes were elected in comitia centuriata, and therefore to be inconsistent with the former account of their election being transferred from the comitia curiata to the comitia tributa (above, p. 152). For the advice of the first Appius to govern the tribunes by division, see Dion. Hal. ix. 1; Livy, ii. 44. An explanation of the efficacy of the duplication of their number is attempted by Niebuhr, Hist. vol. ii. p. 300 (the passage which he cites in note 682 is however altogether misunderstood and misapplied), and compare Becker, ib. p. 252.

from five to ten, when their legal powers remained unchanged, does not appear. If they had exercised a separate inspection, or guard, over the plebeians, the duplication of their number might have given additional protection to the plebeians;(43) but this is not the way in which they are described as acting in behalf of the plebeians, and against the patricians.

The tribunes, according to Dionysius, next attempt to obtain the power of convening the Senate, in addition to the power which they already possessed, of convening the popular assembly.(44) He assumes however that a law cannot be proposed to the popular assembly by the tribunes without the previous consent of the Senate; so that legislation by the people, voting according to tribes or centuries, without a decree of the Senate, is impossible: and he appears to hold that the power of impeachment, claimed by the tribunes, without the consent of the Senate, is a usurpation.(45) He represents the consuls as arguing that the tribunes have no power to impeach them or any patrician without the previous consent of the Senate;(46) nevertheless he seems to hold that the tribunes can put any legislative proposal to the vote in the comitia tributa, and that if it is carried it has the force of law.(47) He appears to think that the patricians have no constitutional means of preventing the plebeians from passing any law in their comitia of the tribes; and that

(43) In vii. 17. Zonaras says: *καὶ τοὺς ἀγορανόμους δὲ καὶ τοὺς δημάρχους ἐπηύξησαν, ἵνα πλείστους τοὺς αὐτῶν προϊσταμένους ἔχωσι*: but above, c. 15, he had stated: *εἰς δέκα δὲ προϊόντος τοῦ χρόνου οἱ δήμαρχοι κατέστησαν· ὅθεν αὐτοῖς τὸ πολὺ τῆς ἰσχύος κατεβέβλητο. φύσει γὰρ ὥσπερ, φθόνῳ δὲ μᾶλλον, ἀλλήλοις οἱ συνάρχοντες διαφέρονται· καὶ χαλεπὸν πολλοὺς ἐν δυνάμει μάλιστα ὄντας συμφρονῆσαι.* Dionysius, x. 31, states that after the increase of their number to ten, the tribunes agreed to act, not singly, but as a body, the minority being bound by the majority. This is probably intended to refer to the argument, that an increase of their number would multiply the chances of disagreement and division.

(44) x. 31. (45) x. 34.

(46) x. 34. He probably alludes to his detailed account of the compromise between the consuls and tribunes before the trial of Coriolanus, above, p. 96; see particularly vii. 38, where the necessity of the previous consent of the Senate to any vote of the people is laid down in strong terms; and compare ib. c. 39, 50, 58.

(47) See Dion. Hal. ix. 41, for his description of the characteristics of the comitia tributa: above, p. 152.

force is their only resource.(48) Livy, on the other hand, supposes that at this period the popular assembly could not vote upon a law without the permission of the consuls or of the Senate.(49) Although our two historians differ in their views as to the relations of the component parts of the Roman constitution at this period, yet they agree in the practical result, that the patrician body were able to render it difficult for the plebeians to legislate without their consent.

§ 42 The tribune Icilius succeeded at this time (456 B.C.) in carrying an agrarian law of a novel character. It provided for the division, not of land for agricultural purposes, but of the Aventine hill, where the plebeian grantees would obtain sites for town houses; as it was not all inhabited, being public property,

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(48) In x. 3, 4, the tribunes announce their intention of cutting short all debate, and of putting the Terentillian law to the vote in the comitia tributa. The consuls, and the most powerful patricians, however spoke to them harshly, and declared that they would not permit them to introduce laws, especially without a decree of the Senate; for that laws were a common compact of the whole community, and not of a portion of it. These last words imply that the comitia tributa were an exclusively *plebeian* assembly. With respect to the use of force against the plebeians, see Dion. Hal. x. 34, 39, and particularly c. 40, where the consuls hold a private meeting of patricians, and tell them, ὡς κωλυτέος εἴη σφίσιν ὁ νόμος λόγοις μὲν πρῶτον, ἐὰν δὲ μὴ πείθωσι τὸν δῆμον, ἔργοις, and the description in c. 41. In xi. 45, however, Dionysius states that the patricians denied that legislative acts of the comitia tributa were binding upon the entire community, and upon themselves as a part of that community; and he says that the question was only settled by the Valerian-Horatian laws, at the abolition of the decemvirate.

(49) Pace partâ, instare tum tribuni Patribus, ut P. Valerii fidem exsolverent: instare Claudio, ut collegæ Deos manes fraude liberaret, agi de lege sineret. Consul, antequam collegam sibi subrogasset, negare passurum agi de legĕ; iii. 19. This passage alludes to the promise made by Valerius while Herdonius was in the Capitol. The law referred to is the Lex Terentilla. The following description occurs two years later, with reference to the same law: 'Quum Virginius maxime et tribuni de lege agerent, duûm mensium spatium consulibus datum est ad inspiciendam legem; ut, quum edocuissent populum, quid fraudis occultæ ferretur, sinerent deinde suffragium inire;' c. 25. The expression 'fraus occulta,' refers to the words of Valerius in c. 18, who promised that he would not hinder the 'concilium plebis,' if the people would listen to a statement of the deceit meditated by the tribunes. In the same year it is added, 'Extremo anno agitatum de lege ab tribunis est; sed, quia duo exercitus aberant, ne quid ferretur ad populum Patres tenuere;' c. 29. Livy therefore conceives that at this time an exclusively plebeian assembly made laws, but that a law could not be put to the vote in it without the previous consent of the consuls or the Senate.

and covered in many parts with wood. The law was in the following terms:—

'All land rightfully acquired by private persons, is to remain in the possession of the owners. All land which the present occupiers have obtained by force or fraud,(50) and has been built upon, is to be surrendered to the state, upon payment to the occupiers of such compensation as the arbitrators shall award. The rest of the land, so far as it is public, is to be assumed by the state, and to be granted out gratuitously.'

Icilius argued in support of this law that it would diminish the complaints of the poor respecting the public land occupied by the patricians; for that they would be satisfied by receiving allotments of ground in the city, when the rural territory was held by many powerful encroachers. The Senate agreed to this measure with the single dissent of Appius Claudius; it was made law in the comitia centuriata convened by the consuls; it was solemnized by religious forms; and it was inscribed on a brazen column, which was deposited in the temple of Diana upon the Aventine hill. The division of the hill took place immediately afterwards.(51) This detailed account is given by Dionysius, whose language implies that the brazen column, with its inscription, was extant in his time. Livy only mentions the passing of the law:(52) he had already spoken of the Aventine as having been assigned to a large body of Latins in the reign of King Ancus.(53)

(50) *βεβιασμένοι ἢ κλοπῇ λαβόντες*, in Dionysius. Niebuhr remarks that these words are the version of the Latin *vi aut clam*; vol. ii. n. 315. Compare Dirksen Man. J. C. R. in v. clam.

(51) See Dionysius, x. 31-2. His words seem to imply that the inscription was extant in his time, and they are so understood by Becker, vol. i. p. 457; and Niebuhr, ib.

(52) De Aventino publicando lata lex est; iii. 31. 'Publico,' means to confiscate, to bring into the fisc, to take from a private person, and to convert into public property. The expression therefore implies that the Aventine was occupied by private encroachers. See Niebuhr, vol. ii. n. 685. The importance of this law to the plebs is implied in a subsequent statement of Livy, that they consented that all the decemvirs should be patricians, on condition that the Icilian law concerning the Aventine and the other sacred laws should not be repealed; iii. 32.

(53) Aventinum novæ multitudini datum; ib. i. 33; above, vol. i. p. 468. Compare Schwegler, vol. i. p. 605; Niebuhr, vol. ii. p. 301. Livy adds that in this year, 'Annonâ propter aquarum intemperiem laboratum est.' This again looks like a fact which none but a contemporary annalist, or a deliberate fabricator of annals, would record. Compare Cato cited above, vol. i. p. 157.

§ 43 The events of the next year (the consulship of Romilius and Veturius, 455 B.C.) are described in great detail by Dionysius, and occupy fifteen chapters of his history; Livy despatches them in a smaller number of lines; and his brief notice is moreover quite inconsistent with the copious narrative of the other historian. The year opens with the usual contest about the enrolment of soldiers; which the consuls promote in order to distract the attention of the plebeians from political contests, and which the tribunes resist, in order that they may enforce the popular demands.(54) Struggles, accompanied with outrage, respecting the levy of soldiers, take place between the two parties; the sacredness of the tribunitian office is violated; various projects are entertained by the plebeian leaders. The tribunes first attempt an impeachment of the consuls, but this measure is prevented by the Senate: some then recommend another secession to the Mons Sacer; or a prosecution of the accomplices and servants of the consuls; but at last the tribunes decide to abstain from all extreme courses, and to put to the vote the agrarian and Terentillian laws, the former of which had been delayed for thirty years.(55) When the day for the vote on the agrarian law arrives, many plebeians speak and complain that although they serve in war, and assist in conquering land from the enemy, they receive no reward for their toils and angers, but see the common property of the state forcibly

(54) *ἐγκύκλιον γὰρ δὴ τοῦτο καὶ ἐν ἔθει ἦν ἤδη τῇ πόλει, πολεμουμένῃ μὲν ὁμονοεῖν, εἰρήνην δ' ἀγούσῃ στασιάζειν*, Dion. Hal. x. 33. *οἱ τότε ὕπατοι στρατιὰν ἐξάγειν ἐπὶ τοὺς πολεμίους ἔκριναν, δεδοικότες μή τι διὰ τὴν εἰρήνην ἄρξωνται ταράττειν ἀργοὶ καὶ πένητες ἄνθρωποι*, ib.

(55) *προθήσειν γὰρ αὖθις τόν τε περὶ τῆς κληρουχίας νόμον ἔτη τριάκοντα παρειλκυσμένον, καὶ τὸν περὶ τῆς ἰσονομίας ὃν οἱ πρὸ αὐτῶν δήμαρχοι προθέντες οὐκ ἐπεψήφισαν*, Dion. Hal. x. 35. These, and the initial words of c. 36, clearly imply that the tribunes were enabled to put any law to the vote in the popular assembly, without the consent of the senate or consuls: in which respect Dionysius differs from Livy: see above, p. 182. The interval of time during which the agrarian law had been hung up, was exactly 31 years, viz., from 486 to 455 B.C. Dionysius here departs from his own account, that the first agrarian law was made a decree of the Senate, and that nothing was needed but the appointment of commissioners to carry it into execution; and adopts the view of Livy, that an agrarian law proposed by the tribunes was obstructed. In. c. 36, Dionysius calls the agrarian law *ὁ χωρονομικὸς νόμος*, in c. 39 *ὁ γεωμορικὸς νόμος*.

taken and profitably occupied by rich and powerful men. Among these, none produced so strong an impression upon the assembly as L. Siccius Dentatus. After recounting his military services—he was fifty-eight years old, had served forty years, had been in a hundred and twenty battles, and had received forty-five wounds, all in front—and enumerating the marks of distinction which had been accorded to him, he proceeded to complain that no portion of the land which had been taken in war from the Etruscans, the Sabines, the Æquians, the Volscians, the Pometines, and other nations, had been allotted either to himself or to those who had fought in the same ranks with him; but that the most violent and unscrupulous of the citizens occupied the finest portion of this territory, and had enjoyed it for many years, though they had not acquired it by free grant, or purchase, or any other legitimate means. He concluded his speech by recommending the tribunes to assert the sacredness of their office, by prosecuting the agents and servants of the consuls, if the consuls were above the law.(56) The tribunes adjourn the question to a subsequent day, when all debate is impeded by the clamour of the patrician partisans; and when the tribunes

(56) Dion. Hal. x. 33-39. Siccius here states that he had for thirty years, since the consulship of Aquillius and Siccius (487 B.C.), when he was twenty-seven years old, been in posts of military command. This would suppose him to have been born in 513 B.C. under the kings. The enumeration of the battles, the wounds, and the military rewards of Siccius, given by Dionysius, recurs, without material variations, in Val. Max. iii. 2, § 24; Plin. N. H. vii. 29; Gell. N. A. ii. 11, and Festus in Obsidionalis, p. 190. All these writers agree in the number 120 for his battles; and Valerius Maximus, Pliny, and Gellius, agree in the number 45 for his wounds. They also make the total number of his crowns about 26, and his collars 83. Dionysius gives him only 60 golden armlets; but Pliny, Gellius, and Valerius Maximus raise the number to 160; Varro places it at 140. Valerius Maximus says: 'Sed quod ad prœliatorum excellentem fortitudinem attinet, merito L. Siccî Dentati commemoratio omnia Romana finierit, cujus opera honoresque operum ultra fidem veri excedere judicari possent, nisi ea *certi auctores*, inter quos M. Varro, monumentis suis testata esse voluissent.' Varro, however, born in 116 B.C., was too long posterior to Siccius Dentatus to be a historical witness for his exploits. Gellius gives a similar account: 'L. Sicinium Dentatum, scriptum est in libris annalibus plus quam credi debeat, strenuum bellatorem fuisse, numeroque ei factum ob ingentem fortitudinem, appellatumque esse Achillem Romanum.' This appellation is also mentioned by Festus. His military fortitude is likewise referred to by Ammian. xxv. 3, xxvii. 10.

attempt to put the question to the vote, a riot ensues, the patrician party overturn the voting boxes, and prevent the people from voting. The Postumii, the Sempronii, and the Clœlii, three distinguished patrician houses, are named as being most prominent in this disturbance; the description of which resembles that of a riotous election in England, when the friends of one candidate break into the polling booth, drive away the poll-clerks, destroy the polling booths, and put a stop to the voting.(57) The tribunes, in order to vindicate their authority, decide to apply to the consuls the maxim now recognised with respect to a constitutional king, and to prosecute, not them, but their agents and instruments.(58) They therefore give notice of trial to the members of the three patrician houses above mentioned, and assign as the penalty, not death or banishment, but merely confiscation of goods. The consuls and the patricians in their confidence (who are described as forming a sort of cabinet council),(59) upon seeing the tribunes adopt this moderate course, think it prudent to yield. They therefore make no resistance to the trial; the accused parties do not appear, and judgment passes on them by default. Their property is confiscated, and sold by the state; but it is re-purchased by the patricians from the purchasers, and restored to the original owners: so that the proceeding of the tribunes, in vindication of their rights, is thus effectually frustrated.(60)

Shortly afterwards, it is announced that the Æquians are threatening the city of Tusculum. The Senate wishes to send succours to this friendly city, but the tribunes hinder the levies; and it is proclaimed that an army will be formed of patricians

(57) Dion. Hal. x. 40-1. The Clœlii were said to be an Alban gens: above, vol. i. p. 459, n. 164, and their origin was traced to a companion of Æneas; Festus in Clœlia, p. 55. Their name does not often occur in the Fasti, like those of the Postumii and Sempronii.

(58) *κοινὸν μὲν τοῦτο καὶ παρὰ πάντων ὁμολογούμενον εἰληφότες, τὸ μὴ τοὺς ὑπάτους ἄγειν ὑπὸ τὴν δίκην, ἀλλὰ τοὺς ὑπηρετοῦντας αὐτοῖς ἰδιώτας*, c. 52.

(59) In c. 40, the consuls are stated to have convened *ἰδιωτικὸν συνέδριον πατρικίων τῶν ἀνδρειοτάτων τε καὶ μάλιστα ἐν τῇ πόλει τότ' ἀνθούντων*. In c. 41, the patricians *παραληφθέντες εἰς το συνέδριον, ἔτυχον δ' οἱ πλείστοι παρακληθέντες*, are mentioned.

(60) Ib. c. 42.

and their clients, with any others who may serve voluntarily. Siccius Dentatus volunteers on this service, and he forms a band of 800 men, who are the flower of the army. As the armies are about to engage, Romilius, the consul, orders Siccius and his troop to attack the enemy's camp, intending that they should perish in the attempt. Siccius remonstrates, but he yields to the consul's taunts, and the troop set out, according to Dionysius, conscious of their fate, weeping and dejected, and having previously taken leave of their comrades, believing themselves to be on their way to certain death. Siccius, however, instead of taking the road indicated to him by the consul, chose another path, leading through a wood, and by the assistance of a countryman whom they met, and whom they forced to be their guide, they reached the camp unobserved, and captured it, without the loss of a single man. The Æquian army, having the Romans both before and behind them, were now easily defeated; but in the night Siccius kills all the Æquian prisoners, and horses, and other beasts of burden, in the camp, and burns the tents which were full of arms and warlike stores, as well as of the plunder from the Tusculan territory; after which he marches to Rome with his men, carrying nothing but arms. Siccius then lays the consul's conduct before the tribunes; they convene the popular assembly; and Siccius moves the audience to tears by the disclosure of the murderous stratagem by which the consul had attempted to sacrifice himself and his brave companions in arms. The sympathy with Siccius was not confined to the people; but the Senate also participated in the indignation created by the act of the consuls, and refused them a triumph on their return to Rome.(61) After the consular elections, Siccius, who had been elected tribune, impeached Romilius the former consul, and one of the ædiles(62) impeached his colleague Veturius. The following is the

(61) Dion. Hal. x. 42-47. In c. 43, as Hooke has remarked, the sense requires Ἀλγίδου for Ἀντίου. Dionysius elsewhere speaks of Ἄλγιδος as a town; x. 21, xi. 3. See Mr. Bunbury's art. *Algidus*, in Smith's Dict. of Ancient Geography.

(62) In our text of Dionysius, he is only called Λεύκιος. The same person whom Livy calls Lucius Alienus is probably meant.

account which Dionysius gives of this transaction. 'The trial of Romilius first came on. Siccius appeared and accused him of acts of violence towards the tribunes when he was consul, and lastly of the design against himself and the volunteer body in the recent campaign. He produced the most illustrious persons as witnesses in support of his allegations, not plebeians, but patricians; among whom was a youth of some distinction, both in family and personal merit, and of great bravery in war, by name Sp. Virginius. This witness deposed that he had been desirous that M. Icilius, the son of a man in the troop of Siccius, and his own contemporary and friend, should be released from this expedition, in which he, together with his father, was about to be consigned to certain death. Sp. Virginius further stated that he had prevailed on his uncle, Aulus Virginius, who was a lieutenant in the army, to apply in person to the consuls for this favour: that the consuls refused compliance with the request; and that he had shed tears at the unhappy fate of his companion: but that Icilius, having heard what had been done, came to him, and said, that he felt great gratitude to those who had interceded for him, but that he could not have accepted a favour which would have prevented him from performing his filial duty; that he could not be parted from his father, when it was known that they were sent to be killed, but that he would remain with him, in order to defend his life to the best of his power, and to share his fate. Even this recital,' Dionysius adds, 'affected the hearers with pity; but when Icilius the father, and his son, were called as witnesses, and gave their own evidence, most of the plebeians were moved to tears.' Romilius defended himself in a haughty tone, and relied on the irresponsible nature of his office; but all the tribes found him guilty. The penalty had been fixed by Siccius at only 10,000 asses; a measure which Dionysius attributes to his desire of diminishing the opposition of the patricians. A few days later, Veturius was tried, and condemned to a fine of 15,000 asses.(64)

(64) Dion. Hal. x. 48-9. The former of these sums is equal to about £35; the latter to about £53.

Such is the copious and minute account of the events of this year, given by Dionysius. The most prominent actor in the drama is Siccius Dentatus, who appears first as the type of military bravery, and as the living example of the plebeian grievance of service in war unrewarded by a share of conquered land; and secondly, as the intended victim, together with 800 comrades, of a cold-blooded attempt of the consuls to consign a plebeian troop to destruction. The enumeration of the battles, the wounds, and the rewards of Siccius, though it is not peculiar to Dionysius, but recurs in other writers, and seems to have been a received anecdote in Roman history, can scarcely be considered as within the range of possibility, still less of probability. Making every allowance for the continuous system of warfare in which Rome was engaged, it is scarcely conceivable that a man fifty-eight years old, who had served forty years, should have been in one hundred and twenty battles, and have gained nearly two hundred military distinctions. His service would have begun in 497 B.C., but between this year and 455 B.C. there are several years in which no war is mentioned; so that we must suppose him, in each year of war, to have been present, on an average, at more than three battles: and at each battle to have gained nearly two distinctions. The description of the treatment of Siccius and his band of eight hundred men by Romilius in the Æquian campaign, is highly dramatic, but it is wholly wanting in verisimilitude. No adequate motive for so treacherous and sanguinary an act is assigned: the contests of the plebeians with the patricians were not recent, and Siccius had not hitherto rendered himself formidable to the patricians. Whatever may have been the habits of military obedience among the Romans, it is incredible that a body of eight hundred volunteers should have quietly marched to certain destruction, when they and the rest of the army knew that the order was given, not for the purpose of attacking a post which it was important to take, but merely in order to ensure their death. Such an event is without a parallel in history.(65) This passive and unresisting obedience

(65) The systematic policy of getting rid of hostile partisans by putting them to death, on various pretexts, in the field or in the camp, is ascribed

seems the more improbable, when we find that the same men are represented as cutting the throats of the prisoners at night, burning the spoil, and marching back to Rome, without the consul's order, in a state of open mutiny, and for the purpose of preventing the consuls from obtaining a triumph. The rapidity with which this nocturnal exploit is executed likewise savours of the marvellous, and is open to the same criticism which the Emperor Napoleon applies to Virgil's description of the burning, capture, and plunder of Troy in a single night.

The whole account, from the first appearance of Siccius in the popular assembly, to the trial of the consuls, is given with circumstantial minuteness. We have not only the colloquy between Siccius and Romilius, but the precise means by which Siccius escaped from the trap laid for him, and took the enemy's camp; and the touching anecdote of Sp. Virginius, the patrician witness against the cruel consul. Unless this account was derived from a contemporary chronicler, to whom all the details of the transaction were known,(66) the whole story must be a pure romance. What makes the copious report of Dionysius the more remarkable is, that Livy is evidently ignorant of it, and gives a brief narrative which supposes it to be false. His account is, that 'the Æquians being reported to have invaded the Tusculan territory, both consuls were sent after them with an army, and found them on Mount Algidus. There a battle took place, above 7000 of the enemy were killed; the others

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to the decemvirs by Dion. Hal. xi. 24. The murder of Siccius is represented by Livy as the act of the commanders in the camp, not of Appius; iii. 43.

(66) Niebuhr, after mentioning that Siccius was called the Roman Achilles (see above, p. 185, note 56), remarks that 'we may more aptly term him the Roman Roland; more especially since, like the Paladin of French romance, he fell by treachery. No warrior *of a chronicled age* should be compared with the heroes of Greek poetry, no Roman centurion with the son of Peleus;' Hist. vol. ii. p. 346. From this passage it appears that Niebuhr supposed this period to have possessed a contemporary history. It may be added that Niebuhr not only considers the story of Cincinnatus, which is not many years earlier, to have been derived from a poem, but also that of the siege of Veii, which is some time later. He calls Veii 'the Roman Ilion;' ib. p. 475. For similar reasons, why should not Siccius be the Roman Achilles?

were put to flight: a great booty was obtained. The consuls sold it, on account of the low state of the treasury. The army however resented this measure, and it afforded the tribunes a ground for accusing the consuls Accordingly, as soon as their year of office had expired, C. Claudius Cicero, a tribune of the plebs, gave notice of trial to Romilius; and L. Alienus, an ædile of the plebs, to Veturius. Both were condemned, to the great indignation of the patricians, Romilius in 10,000 asses, Veturius in 15,000.'(67) Nothing is here said about Siccius Dentatus and the attempt to kill him and his troop: instead of his burning the plunder, the consuls sell it, in order to replenish the empty treasury—and the offence to the army is given, not by the treachery towards Siccius and the volunteers, but by the sale of the plunder, and the refusal to divide it among the soldiers. Both historians agree as to the impeachment of the consuls, and the amounts of their fines: but they differ as to the accusers, for Livy says nothing of Siccius, and Dionysius does not mention C. Claudius Cicero. Neither explains why the fine of Veturius was larger than that of Romilius. The relative amount of the fines is not only unexplained by Dionysius, but is inconsistent with his account; for Romilius acts the leading part in the drama of Siccius, and Veturius is merely a dumb personage in it. Gellius states that Siccius was tribune of the plebs in the consulship next after that of Romilius and Veturius;(68) so far agreeing with Dionysius; and Pliny commends Siccius for having procured the condemnation of the ex-consul Romilius for having made a bad use of his command;(69) words which seem to imply that he had failed as a general, rather than attempted to procure the death of Siccius himself.

The previous parts of the long narrative of Dionysius—namely, the violences offered to the tribunes, the attempted impeachment of the consuls, the endeavour to put the agrarian

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(67) iii. 31.

(68) ii. 11.

(69) Præterea (quod optimum in operibus ejus reor) uno ex ducibus Romilio ex consulatu ad populum convicto male acti imperii; N. H. vii. 29.

law to the vote, and the fining of the patricians, by a practical adoption of a maxim similar to that which renders the ministers responsible for the acts of a constitutional king—are all wanting in Livy. The prudence of the patricians in advising the accused members of their order to submit to the forfeiture of their property, and the subsequent re-purchase of it, without any remonstrance from the tribunes, is a transaction deficient in internal probability: nor is it at all intelligible how, if the comitia tributa consisted only of plebeians, if the tribunes could put any legislative project to the vote, and if, when sanctioned by a majority it became law, it would have been possible for the patricians, by force and illegal means, to have prevented the passing of the agrarian laws for so many years.(70) The plebeians had numbers on their side, and they were armed, as they formed the bulk of the legions.

It may be added that Livy and Dionysius agree in representing Siccius Dentatus as treacherously killed by a party of his own men, at the direction of the decemvirs, a few years afterwards:(71) and it is a singular circumstance that the same man should have been twice the object of treacherous attempts on his life by his own general; one of which was successful, and the other unsuccessful. The story in the consulship of Romilius and Veturius is open to the suspicion of being a modified version of the story under the decemvirate.(72)

The narrative which has just been recited furnishes a clear illustration of the difficulties which beset the evidences of Roman history at this period. Dionysius gives a copious relation, full of improbabilities and inconsistencies, but so minute and detailed that, if true, it must have proceeded from a contemporary writer. It is certain that there were no native historians of Rome till more than two centuries after this period; and the

(70) In Dion. Hal. x. 51, Romilius says to the Senate: *μετὰ μεγάλων μισθῶν ἔμαθον, ὅτι ἔλαττον ὑμῶν ἐστι τοῦ βουλομένου τὸ δυνάμενον, καὶ πολλοὺς ἤδη τὸν ὑπὲρ ὑμῶν ἀγῶνα ἀραμένους περιείδετε ἀναρπασθέντας ὑπὸ τοῦ δήμου, τοῖς ἀναγκαίοις εἴξαντες.*

(71) Dion. Hal. xi. 25-7; Livy, iii. 43; below, § 50.

(72) See Niebuhr, Hist. vol. ii. p. 347.

account is too detailed for the registration of a pontifical annalist. Livy, moreover, not only is ignorant of this detailed account, but gives a concise narrative of events which altogether excludes it, and necessarily implies its falsity. Under these circumstances, what certain conclusion can we arrive at, or how can we give credence either to the copious details of the Greek, or to the brief sketch of the Roman, historian? What reason have we for preferring one story to the other, or for supposing that either historian derived his information from authentic contemporary testimony?(73)

§ 44 Dionysius refers to the same year, the consulship of Aternius and Tarpeius, a law empowering all magistrates to fine persons who resisted their authority, but limiting the fine to two oxen and thirty sheep.(74) This law is mentioned by Festus, but he makes the highest fine consist of two sheep and thirty oxen, and he refers the law to the consulship of Menenius and Sestius, in the following year; whereas he describes the law of the year of Aternius and Tarpeius as fixing the ratio of money to the sheep and cattle; viz., ten asses for a sheep, and one hundred asses for an ox.(76) Gellius gives the same account of the Aternian law as Festus; he likewise agrees with Festus as to the two sheep and thirty oxen.(77) The different accounts of the

(73) See the note of Hooke, b. 2, c. 25, in which he compares the accounts of this year given by Dionysius and Livy. He concludes it thus: 'If one considers the singular negligence of the consuls after the victory, with regard to the enemy's camp, which contained such a rich booty; the monstrous breaches of discipline imputed to that old soldier Siccius; the injustice which, in burning the spoil, he is guilty of towards the consuls' troops, who expected to share it among them, and with whom he was on terms of affection; and lastly, the Senate's approving all this conduct, and taking part with him against the consuls; I say, if one considers these things, it may incline one to believe that Dionysius borrowed his account from some memoirs as authentic as the history of Guy, Earl of Warwick.'

(74) Dion. Hal. x. 50. Brissonius proposes to reverse the numbers in the text of Dionysius, and to assimilate the statement to that of Gellius. Niebuhr says that it is an erroneous conjecture of Dionysius, vol. ii. n. 691.

(76) In peculatus, p. 237, compare p. 24, and Müller's note.

(77) x. 1. He seems to consider the maximum of the fine as independent of the Aternian law; Niebuhr, ib. n. 690, asserts that the statement of Gellius and Festus respecting the Aternian law is 'certainly erroneous.'

Aternian law respecting fines, which is mentioned by Cicero as an important step in the constitution,(78) cannot be reconciled. Cicero indeed, as well as Livy, appears to refer the money-valuation of the fine to a law of the consuls Julius and Papirius, twenty-four years later: while Plutarch states that the law limiting the fine for disobedience to the consul was made by Publicola, and was one of the Valerian laws: according to his account, the limit was five oxen and two sheep;(79) thus differing both from Dionysius and Gellius. The regulation respecting the limit of the fine for disobedience to the orders of magistrates, and the commutation of the oxen and sheep into a money payment, were doubtless of high antiquity;(80) but the accounts respecting their authors appear to have been unfixed and fluctuating, as in the case of other ancient institutions. It should be observed, that both Dionysius and Cicero describe the Aternian law as having been passed at the comitia centuriata; whereas Dionysius represents the tribunes on former occasions as striving to pass their laws at the comitia tributa.(81) We must suppose that the law is understood to have been made with the consent of the Senate.

§ 45 Dionysius represents the new consuls, Tarpeius and Aternius, as intimidated by the impeachment and condemnation of their predecessors; and as recommending a concession of the project of a code, so much desired by the plebeians: he describes Romilius as making a proposal to this effect in the Senate, and Siccius as so much pleased with his conduct, that

(78) De Rep. ii. 35. Cicero, ib., speaks of the 'Levis æstimatio pecudum in multâ,' which Festus and Gellius attribute to the Aternian law, as having been made by a law of the consuls Julius and Papirius, in 430 B.C., in consequence of the censors having, by numerous fines, transferred a large number of sheep and cattle from private proprietors to the State. Livy mentions this law in general terms, iv. 30; but he says nothing of the Aternian law; see iii. 31.

(79) Public. c. 11. Plutarch adds that the price of a sheep was then ten obols, and of an ox a hundred obols; which statement evidently corresponds to the account of Gellius and Festus, which makes this ratio a matter of legislative regulation.

(80) Dionysius, ib. says *οὗτος ὁ νόμος ἄχρι πολλοῦ διέμεινεν ὑπὸ Ῥωμαίων διαφυλαττόμενος.*

(81) See x. 36, 41.

(although Romilius had treacherously sought his life) the tribune of his own authority remits his fine. Romilius however declines to accept the favour, on the ground that the fine had already been consecrated to the gods.(82) The account of Livy is quite different: he says that the new consuls were not intimidated; that they defied the plebs and the tribunes; and that the tribunes, seeing that the Terentillian rogation had lost its effect from time, proposed, as a compromise, that, instead of a measure for diminishing the power of the consuls, a body of legislators, composed of both patricians and plebeians, should be formed, for equalizing the rights of the citizens. The patricians assented to this proposal for a new legislation, but refused to allow the plebeians any part in it, and required that the revision of the laws should be exclusively conducted by patricians.(83) In this manner Livy first introduces the plan of legislation which ended in the decemviral code: he conceives it as a compromise growing out of the abandonment of the Terentillian law. Dionysius, on the other hand, considers it as identical with that law. Their views as to the origin of the decemviral legislation are wholly inconsistent with each other.

Both historians however agree in stating that a commission of three persons was appointed, who were to visit Athens, and other Greek cities, both in the mother country and in Italy: Livy particularly mentions that they were to transcribe the celebrated laws of Solon.(84)

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(82) Dion. Hal. x. 51-2.

(83) Livy, iii. 31. The 'lex quæ promulgata consenuerat,' is the Terentillian law, as described in c. 9. The objects of this new legislation are characterized as 'utrisque [both patricians and plebeians] utilia quæque æquandæ libertatis essent.' This agrees with the *ἰσηγορία* and *ἰσονομία* of Dionysius, which he attributes to the Terentillian law; x. 1. Compare Hooke's note to b. 2, c. 26, on the discrepancy between Dionysius and Livy. The difference between them on this point is also recognised by Levesque, Hist. Crit. de la Rep. Rom. vol. i. p. 168.

(84) Dion. Hal. x. 51-2, 54; Livy, iii. 31. The three names given by Dionysius, are Sp. Postumius, Ser. Sulpicius, and A. Manlius: those given by Livy are Sp. Postumius Albus, A. Manlius, and P. Sulpicius Camerinus. Niebuhr says that 'no doubt their names were preserved in the books of the pontiffs;' vol. ii. p. 305. See above, p. 68, n. 219; p. 108, n. 53. The three names given by Lydus de Mag. i. 34, are Sp. Postumius, A. Marcius, and P. Sulpicius.

A year of pestilence succeeds, as to which many details are given by our historians: they agree in reporting that Quinctilius, the consul, and four tribunes of the people, died of the malady: Dionysius adds Sp. Furius, the successor of Quinctilius, and Livy also names Servius Cornelius, the flamen of Quirinus, and C. Horatius Pulvillus, the augur—adding that the augurs appointed Veturius in his place, because the latter had been condemned by the plebs. It is likewise mentioned by Dionysius that the violence of the plague was increased by the projection of dead bodies into the sewers and the river.(85) Such particulars as these, like others of the same sort before mentioned, must have been either registered at the time, or have been deliberately fabricated by a forger of annals: no third hypothesis seems admissible

§ 46 In the next year, the three envoys return from Greece, having visited Athens, and executed their mission of legislative inquiry.(86) The tribunes press for the immediate adoption of measures by which the objects of the mission will be carried into effect: Dionysius says that this is resisted by the consuls of the year, but that Appius, one of the consuls elect, proposes the creation of a supreme council of ten legislators. According to Livy, the only delay arose from a question whether any plebeians should be members of the council; which the patricians successfully resisted. He mentions however elsewhere the influence used by Appius in favour of the plebeians on this occasion.(87)

§ 47 The plan of reforming the legislation of Rome, proposed in the Senate, and adopted by the tribunes and people, was that all the superior offices of the State (not excepting the tribunate) should be abrogated for a year:(88) and that all the powers of

(85) Dion. Hal. x. 54-5.

(86) Νόμους ἐκ τῆς Ἑλλάδος Ῥωμαῖοι μετεστείλαντο, ἀφ' ὧν τὰς δώδεκα δέλτους συνέθηκαν. Syncell. vol. i. p. 484. Populus Romanus—decemviros legibus scribendis creavit, qui eas ex libris Solonis translatas duodecim tabulis exposuerunt; Victor de Vir. Ill. 21.

(87) Livy, iii. 32, 56.

(88) Livy says: Placet creari decemviros sine provocatione, et ne quis eo anno alius magistratus esset; iii. 32. Dionysius states distinctly that

government, legislative, administrative, and judicial, should be vested in a council of ten, a Decemvirate, who were to prepare a code; and if this code received the sanction of Senate and people, it was to become law. The decemvirs were chosen by the comitia centuriata, and consisted of Appius Claudius, and T. Genucius, the consuls elect for the year; Sestius, one of the consuls of the preceding year;(89) the three envoys to Athens; and four other patricians of consular dignity.(90) No member

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the plebeian offices were suspended: *αἱ δὲ τῶν δημάρχων τε καὶ ἀγορανόμων καὶ ταμιῶν καὶ εἴ τινες ἦσαν ἄλλαι πάτριοι Ῥωμαίοις ἀρχαὶ κατελύθησαν*, x. 56. Other passages are collected by Becker, ii. 2, p. 133, n. 298.

(89) Livy, iii. 33, says that Sestius was chosen 'quod eam rem collegâ invito ad patres retulerat.' Dionysius, however, describes both the consuls of the preceding year as hostile to the project of codification; he says that Menenius was sick, and that Sestius, using his colleague's illness as a pretext, alleged that he could not act alone, and rejected the applications of the tribunes, who thereupon turned to Appius.

(90) Livy and Dionysius agree as to the decemvirs, with this exception, that whereas the former names P. Curiatius, the latter names P. Horatius. Livy, iii. 32, had likewise named P. Curiatius as consul with Sex. Quinctilius for the year 453 B.C.; whereas Dionysius, x. 53, had named P. Horatius. The Capitoline Fasti agree with Livy. The Horatii and Curiatii were in like manner confounded in the celebrated battle of the three brothers; Livy, i. 24. The Capitoline Fasti are incomplete; but they give five names, which are in each of our historians. The list in Diodorus, xii. 23, of the men whom he calls *νομογράφοι*, is as follows: 1. Publius Clodius Regillanus; 2. Titus Minucius; 3. Spurius Veturius; 4. Caius Julius; 5. Caius Sulpicius; 6. Publius Sestius; 7. Romulus; 8. Spurius; 9. Postumius; 10. Calbinius. Of these, No. 1 is meant for Appius Claudius Regillensis. No. 2 is probably T. Genucius. Nos. 3, 4, 5, and 6 are in the received list. No. 7 is T. Romilius; Nos. 8 and 9 must be taken together and form one man, Sp. Postumius, one of the envoys. No. 10 appears to be a corruption of Aulus Manlius. The tenth decemvir, whom Livy calls Curiatius, and Dionysius calls Horatius, is wanting. See Rhodoman's note on the passage. Niebuhr supposes, contrary to the express statement of Dionysius, and to the obvious meaning of Livy, that five of the decemvirs were appointed by the patricians, or were included by virtue of their offices, and that only five were elected by the centuries. Niebuhr adds, 'Livy must evidently have heard a faint report of an election, by which a certain number were added to others previously appointed;' Hist. vol. ii. p. 312, citing the words, 'Graves ætate novissimis suffragiis electos ferunt.' The entire passage in Livy, however, stands thus. He begins by enumerating the ten persons who were created decemvirs, and he accounts for the appointment of six, by special reasons. He then proceeds to say: '*Supplevere ceteri numerum*. Graves *quoque* ætate electos novissimis suffragiis ferunt, *quo minus ferociter aliorum scitis adversarentur*.' The meaning of these words is obvious. 'After the centuries had, for special reasons, chosen six persons, upon whom the task of preparing the code was chiefly to fall, they elected four men of advanced age, who from their moderation were likely to concur with the

of the plebeian order was admitted to hold a place in the decemviral body.(91)

The decemvirs are stated by Dionysius to have taken in turn the supreme power and insignia of the consuls, which each decemvir enjoyed for a fixed number of days; but to have all sat continuously for the exercise of the ordinary jurisdiction.(92) Livy merely says that one decemvir in his turn sat in judgment every day, and on that day was attended by the lictors with the fasces.(93) Appius was popular in his demeanour; and the decemvirs exercised their irresponsible power with sobriety and moderation:(94) as a proof of their abstinence from an extreme use of their authority, it is stated that C. Julius, the decemvir, who had witnessed the discovery of a dead body in the bedroom of Q. Sestius, a patrician, accused him before the people, instead of citing him, as he might have done, before his own tribunal.(95)

The decemvirs however did not devote their whole time to their judicial duties. Before the end of the year they had, from the written laws of the Greeks, and from their own unwritten customs, framed a code, which they inscribed upon ten tables. They exhibited these tables in public, and discussed

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views of their colleagues.' The fragment of the passage which Niebuhr has placed in his note, may by itself bear the meaning which he attributes to it; but this construction is conclusively negatived by the rest of the passage, which he has omitted. For another instance of this arbitrary and deceptive method of citation, see above, p. 149, n. 182. Concerning the place of the consuls among the decemvirs, see Becker, ib. p. 134, n. 299.

(91) The designation of the decemvirs in the Capitoline Fasti is, 'Decemviri consulari imperio legibus scribendis.' Their usual appellation is 'decemviri legibus scribendis.'

(92) Dion. Hal. x. 57.

(93) iii. 33; Zonaras, vii. 18; Niebuhr, vol. ii. n. 717, decides that the statement of a rotation from day to day is 'certainly erroneous.'

(94) It is particularly stated that there was no appeal from the decemvirs; Livy, iii. 32; Cic. Rep. ii. 31, 36.

(95) Livy, ib.; Cic. Rep. ii. 36. Livy has P. Sestius both for the decemvir and the patrician murderer. Cicero has the prænomen Lucius for the latter. Cicero appears to mean that Julius adopted this course, out of deference to the law of the Twelve Tables, which declared that no capital trial should take place except before the comitia centuriata; see Leg. iii. 19; Pro Sest. c. 30. At this time, however, the decemviral laws had not been passed. Compare Dirksen, Zwölf Tafel Fragmente, p. 644.

them with the wisest men of the city; when all objections were removed, they convened the Senate, which sanctioned the laws by a preliminary decree, and they were afterwards solemnly confirmed by a vote of the people, in comitia centuriata.(96) According to Dionysius, the laws of the ten tables were immediately engraved on brass, and fixed up in a conspicuous part of the forum.

The decemvirs seem now to have fulfilled their mission; and they make no attempt to retain their power, for, at the expiration of their year, they hold the regular comitia for the election of magistrates. The people however, though the ten tables had been freely submitted to public criticism before they were enacted, desire the reappointment of the decemvirs, for reasons which are not very intelligible. Livy says that a rumour got abroad that two tables were still wanting, in order to complete the code.(97) He adds that the plebs had begun to hate the name of consuls as much as that of kings, and that the appeal from one decemvir to another supplied the place of the tribunitian interference. According to Dionysius, there was not only the wish of an irresponsible power, in order to complete the code, but also the desire of prolonging the suspension of the tribunitian office.(98)

§ 48 With regard to the election of the second set of decemvirs, the accounts of our two historians differ materially. Dionysius says that as soon as the day of election was fixed, the leading patricians sought the office, in order to keep out dangerous and turbulent men; but that Appius declined to become a candidate, simulated reluctance, and at last only yielded to the entreaties of all parties. When however he had consented to come forward, he used his influence, out of jealousy, to exclude the chief patricians, and exerted himself to secure the return of

(96) Dion. Hal. x. 57; Livy, iii. 34. Both historians mention the voluntary consultation of the public, and represent the ten tables as the combined expression of the general will. Below, n. 160.

(97) Livy, iii. 34. Vulgatur deinde rumor, duas deesse tabulas; quibus adjectis absolvi posse velut corpus omnis Romani juris.

(98) x. 58.

his own friends. He is then elected decemvir in comitia centuriata; and with him six patricians, and three plebeians. Among the patricians, the only person of distinction was Q. Fabius Vibulanus, the single Fabius who had escaped from the disaster of the Cremera, and who had been thrice consul; the other five were men of no note.(99) The three plebeians were added for the sake of popularity, as Appius declared his opinion that the plebs ought to be represented in the decemvirate. By his conduct in the first year of the decemvirate, and at his re-election, Appius had so much ingratiated himself with his countrymen, that he was then considered as superior to any of the kings or annual magistrates of the city.(100) Such is the narrative of Dionysiús. But the course of Appius, as described by the Roman historian, was quite different. According to Livy, when the comitia for the re-election of decemvirs were fixed for the third nundinæ (seventeen days afterwards), the leading patricians presented themselves as candidates; but Appius distinguished himself by the activity and eagerness of his canvas, and by his resort to mean arts and personal humiliation for the purpose of attaining his object. His colleagues of the expiring board suspected his motive; and as he was the youngest among them,(101) they appointed him to hold the comitia, thinking that this contrivance would prevent his re-election. But this arrangement, which was intended as an obstacle,

(99) This passage is misrepresented by Niebuhr, in order to give a colour to his hypothesis that half the second decemvirs were plebeians. 'Assuredly (he says) all the annalists saw with equal clearness that half of the second decemviral board did actually consist of plebeians. Three, Dionysius expressly says, were of that order, *and so unquestionably were the two others whom he calls men of low condition*;' Hist. vol. ii. p. 323. Dionysius states expressly, that the five whom he enumerates after Appius and Fabius were patricians, and he does not call them 'men of low condition,' but he calls them 'men of no great mark or distinction,' ἄνδρες οὐ πάνυ ἐπιφανεῖς, which is a totally different thing, and which is quite consistent with their being patricians.

(100) Dion. Hal. x. 58. The names of the decemvirs are repeated; xi. 23.

(101) This agrees with the previous statement in c. 33, that the four decemvirs last elected were advanced in age; see above, p. 197, n. 90. This account of the age of Appius likewise supposes that he was the son of the second Appius: above, p. 156, n. 203.

served only to facilitate his designs. He formed a cabal, by which he defeated Quinctius Capitolinus, Quinctius Cincinnatus, his uncle, C. Claudius, a steady adherent of the patrician cause, and other eminent citizens; while he secured the election of persons of inferior station, and lastly, his own election—a proceeding which the better class of citizens regarded with equal disapprobation and surprise. Livy then adds the list of names, which agrees exactly with that of Dionysius:(102) but he does not state that any of them were plebeians, and in a subsequent passage he speaks of them as having been all patricians.(103)

The proceedings of the second decemvirs, in their first year of office, are consistently related by our two historians. Before the ides of May—the day on which their rule commenced—had arrived, Appius gave them secret instructions how to act, and they conspired with him to take the necessary means for rendering themselves perpetual dictators. As soon as they were invested with their new functions, the mask of moderation was thrown off, and each decemvir appeared in the forum with twelve lictors, bearing the axe in the fasces. This sight of the hundred and twenty lictors with their axes, produced a general consternation; the people said that they had now ten kings instead of one. The axe reminded them that each decemvir could pronounce and execute a capital sentence without appeal; and they found that one decemvir gave no relief against the judgment of another. A system of terror was now organized: no man's life or pro-

(102) Livy, iii. 35; compare c. 41. According to Diod. xii. 24, the names of the second decemvirs were—1. Appius Clodius; 2. Marcus Cornelius; 3. Lucius Minucius; 4. Caius Sergius; 5. Quintus; 6. Pœtelius; 7. Manius; 8. Rabuleius; 9. Spurius; 10. Veturius. The first four names agree with the list in Dionysius and Livy, except that they have M. Sergius; 5 and 6 must be joined, and correspond to Q. Pœtelius; 7 and 8 make Manius Rabulcius; 9 and 10 make Spurius Veturius; but this name is not in the other list. The names of L. Minucius, Q. Fabius Vibulanus, T. Antonius, K. Duilius, and Sp. Oppius, which occur in the other list, are wanting in Diodorus.

(103) The passage occurs in the speech of Canuleius, where he alludes to the decemvirs, as 'teterrimi mortalium, qui tamen omnes ex patribus erant;' iv. 3. These words must refer to the second decemvirs; for the first decemvirs were, according to all accounts, quite irreproachable in their conduct.

perty was safe; but the chief weight of the oppression fell upon the plebeian body, and also on the more eminent patricians: the younger patricians were bribed, by grants of confiscated property, to support the decemvirs. Many citizens left the town, and took refuge in the country, hoping that at the end of the year the power of the decemvirs would be at an end, and that the ordinary constitution would be restored. The decemvirs had added two new tables to the ten tables of the preceding year, and if these were adopted by the comitia centuriata, the purpose for which the decemvirs had been appointed was accomplished. But the decemvirs, although their year of office had expired, showed no disposition to convoke the comitia, either for this purpose, or for the election of consuls.(104) Livy says nothing about the character or contents of the two last tables, nor does he explain how they became law, though he states that the entire code was engraved on brass as the Twelve Tables.(105) According to Dionysius, they were added by Appius to the ten tables; and they contained a prohibition of marriages between patricians and plebeians, which was, he thinks, intended to prevent concord between the two orders.(106) Cicero makes a broad distinction between the ten tables of the first decemvirs, and the two tables of the second decemvirs; he says that the laws of the latter were unjust, and he mentions as an example the prohibition of intermarriage between the patricians and plebeians.(107) Livy likewise, in a subsequent passage, speaks of this prohibition as having been introduced by the decemviral legislation.(108)

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(104) Livy, iii. 36-7; Dion. Hal. x. 59, 60.

(105) Livy, iii. 37, 51, 57.

(106) Ib. c. 60, and compare xi. 28, where it is stated that Appius was prevented, by his own law in the twelve tables, from marrying Virginia, of plebeian birth.

(107) Qui cum x. tabulas summâ legum æquitate prudentiâque conscripsissent, in annum posterum decemviros alios subrogaverunt, quorum non similiter fides est nec justitia laudata. De Rep. ii. 36. Duabus tabulis iniquarum legum additis, quibus, etiam quæ disjunctis populis tribui solent, connubia, hæc illi ut ne plebi et patribus essent, inhumanissimâ lege sanxerunt; ib. c. 37.

(108) Hoc ipsum, ne connubium patribus cum plebe esset, nom decemviri tulerunt paucis his annis pessimo exemplo publico, cum summâ

§ 49 When the second decemvirs have entered upon their second year, all colour of legality is wanting to their acts, and the reign of force is openly proclaimed. All freedom is suppressed; no class of citizens is spared. Not only are the plebeians trampled under foot, but the most eminent of the patricians are put to death, or driven into banishment. Rome was like a city taken by storm, and sacked by a victorious enemy; the citizens were plundered, their wives and daughters were ravished; and any male kinsmen who attempted to defend them were beaten like slaves. In this state of internal discord, the enemies of Rome take advantage of her weakness, to march against her. The Sabines advance to Eretum, seventeen and a half miles from Rome; the Æquians invade the Tusculan territory, and pitch their camp on Mount Algidus. These hostile movements alarm the decemvirs, and, after some hesitation, they decide to convene the Senate. There was some difficulty in collecting the senators, most of whom had fled into the country; but when a meeting was obtained,(109) Appius made a prepared speech, in which he set forth the public danger, and recommended an immediate levy of soldiers. A stormy debate, as may be supposed, takes place; the accounts of which, given by Livy and Dionysius, agree, with tolerable closeness, as to the persons who spoke, as to the order in which they succeeded, and as to the opinions which they delivered. The two reports harmonize in so many points, that they must

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injuriâ plebis? Speech of Canuleius, in iv. 4. In a subsequent passage, Livy represents one of the consuls on the same occasion to have said: 'ideo decemviros connubium diremisse, ne incertâ prole auspicia turbarentur;' iv. 6. This statement, which rests the objection on a religious ground, differs altogether from the reason assigned by Dionysius, which is a ground of policy. Niebuhr, contrary to the obvious meaning of Cicero, Dionysius, and Livy, thinks that the prohibition of marriage between the two orders, was not an innovation, but was merely a re-enactment of an existing law; Hist. vol. ii. p. 332; Lect. vol. i. p. 199.

(109) Livy says that the attendance of the Senators on this occasion was considered by the plebeians as an act of servility to the decemvirs: 'Jubent acciri omnes, senatumque in diem posterum edicunt; qui aliquanto spe ipsorum frequentior convenit. Quo facto proditam a patribus plebs libertatem rata, quod iis, qui jam magistratu abissent, privatisque, si vis abesset, tanquam jure cogentibus, senatus paruisset;' iii. 38.

have been derived, directly or indirectly, from a common source.(110) The report of Dionysius is more copious than that of Livy, and he represents C. Claudius, the uncle of the decemvir, as distinctly recommending the decemvirs to restore the constitution, and consult the people as to the continuance of their power, before he gives his final opinion, that the Senate should come to no decision until the regular magistracies are re-established: whereas Livy describes C. Claudius as advising the Senate to decide nothing, and as only implying that the decemvirs had no power to convene the Senate. The proposition for the appointment of an interrex, which is mentioned by Livy, without the author's name, is ascribed by Dionysius to L. Valerius, and is coupled with a recommendation to create a dictator. The Senate ultimately decide in favour of the motion of L. Cornelius, the decemvir's brother, to take immediate steps for levying troops. Dionysius describes the majority as submitting through fear of Appius, though they preferred the proposition of Valerius; Livy says that the senators agreed to the motion for levying troops, in the hope that, if the government returned quietly to the consuls, the tribunitian office would not be restored.(111)

The city is now in a most distracted state. L. Valerius and M. Horatius, who had spoken with freedom against the decemvirs in the Senate, and had attempted to bring about a restoration of the ordinary constitution, fortify their houses, and arm their

(110) Compare particularly the allusions to the Tarquins, and to the former deeds of the Valerii and Horatii, in the speech of M. Horatius Barbatus, Dion. Hal. xi. 5; Livy, iii. 39. Niebuhr says that the proceedings of this meeting of the Senate 'are related by both our historians after the same annalist, perhaps with the distinct purpose of gratifying Messalla.' 'I cannot however (he adds) esteem the substance of the narrative authentic; since the whole rests on the notion that the decemvirs prolonged their office by an arbitrary act of their own. There seems to me no doubt that, if not wholly invented, it was at all events spun out of a few mere hints found in the funeral orations of the Valerian house, at a late age, by clients.' Hist. vol. ii. p. 315. The conjectures about the origin of this account are as uncertain as the reason for rejecting it is groundless. The 'notion' to which Niebuhr refers, is the account given by both Dionysius and Livy, as well as by Cicero and others.

(111) Livy, iii. 38-41. Dion. Hal. xi. 1-21.

slaves and clients.(112) C. Claudius, the uncle of the leading decemvir, withdraws from Rome to Regillum, his paternal town, followed by a large body of companions and retainers.(113) The decemvirs first attempted to prevent this secession by force; but they afterwards permitted it, and confiscated the property of the seceders. Their measures equally alienated patricians and plebeians;(114) nevertheless, Dionysius thinks that the mutual hatred of the two orders, and the joy of each at the calamities of the other, would have saved the decemvirs, if they had not committed two outrages, which maddened the plebeians, and made them regardless of everything but immediate vengeance upon their present oppressors. These two outrages were the murder of the plebeian lieutenant, Siccius, and the attempt of Appius upon the plebeian maiden, Virginia.

§ 50 Ten legions had been levied, and had been thus disposed:—two remained in the city, under Appius Claudius, with whom Sp. Oppius, one of his colleagues, was associated; three were sent against the Sabines, under the command of Q. Fabius, with whom were his two colleagues, Q. Pœtelius and Manius Rabuleius; five were sent against the Æquians under M. Cornelius, with whom were the four remaining decemvirs. This statement implies that, next to Appius, the two most prominent persons among the decemvirs were Q. Fabius and M. Cornelius.(115) Both armies in the field, however, refuse to fight for their hated masters, and sustain intentional defeats: the former retreats from Eretum, and pitches its camp at a place between Fidenæ and Crustumeria; the latter is repulsed, with loss of its baggage, and takes refuge in Tusculum.(116)

(112) Dion. Hal. xi. 22, 23. In the last passage Dionysius opposes Horatius and Valerius, as leaders of the *aristocratic* clubs, to the *oligarchical* decemvirs.

(113) Dion. Hal. xi. 15, 22; Livy, iii. 58.

(114) *ταῦτα τὰ ἐγκλήματα προστεθέντα τοῖς προτέροις, πολλῷ δυσμενεστέρους ἐποίησε πρὸς τὴν δεκαρχίαν τοὺς πατρικίους καὶ τοὺς δημοτικούς*, Dion. Hal. xi. 22.

(115) Dion. Hal. xi. 23; Livy, iii. 41. According to Livy, Appius and Fabius were the two leaders, and the latter was corrupted by his colleagues and by the temptation of his position.

(116) Dion. Hal. ib. c. 23; Livy, c. 42. Compare the speech of the consul Valerius in Livy, iii. 61, where he refers to the unwillingness of the

Each camp now becomes the scene of an event which exasperates the minds of the soldiers, and prepares them for open resistance to the decemviral government. According to Dionysius, it was the systematic policy of the decemvirs to get rid of political enemies in the camp, either by open military executions, or by sending them on separate service, and causing them to be despatched on the way. Siccius, the plebeian centurion, whose exploits in the field have already been mentioned, having ventured to utter with freedom, in the city, his opinion as to the incompetency of the commanders, is consulted and flattered by Appius, and sent with an honourable mission to the camp near Fidenæ. Siccius advises the generals to carry the war into the country of the Sabines, and is sent out by them on pretence of choosing the place for a camp. While he is employed on this duty, his comrades fall upon him; he sets his back against a rock, and sells his life dearly; but after having killed about fifteen men, and wounded twice as many, he is overpowered by stones and missiles, and slain. On returning to the camp, the soldiers employed by the generals to murder the brave Siccius, circulate a report that they had been surprised by a party of the enemy, and that Siccius and some of the others had been killed. This story was believed until the legions agreed to give Siccius a public funeral, and, with the consent of the generals, sent out men to bring back the body; when the circumstances of the place and the bodies showed plainly that no enemy had been present; the army soon understood that Siccius had been put to death by order of the generals, and were ready to revolt against the decemvirs.(117) Livy's account so far differs from this, that he says nothing of any system of killing political enemies in the field, and he describes Siccius as being not in the city, but in the

soldiers to fight for the decemvirs. Herodotus, v. 78, remarks that the Athenians would not fight for their despots, but as soon as they obtained a free government they showed their courage in war. Theodorus is represented by Diod. xiv. 65, as saying that the Syracusans will not fight for their master Dionysius against the Carthaginians: *νῦν μὲν γὰρ οὐδεὶς ἡμῶν προθύμως ὑπομένει τοὺς κινδύνους, ὅταν ἡ νίκη μηδὲν ἧττον ᾖ τις ἥττα.*

(117) Dion. Hal. xi. 24-27.

camp; the present being, morever, the first and only occasion on which he is introduced by Livy.(118) He is likewise represented as giving offence, by suggesting the creation of tribunes, and a secession, to his fellow-soldiers, which is more consistent with the preceding circumstances than the account of Dionysius; for as the armies had been defeated because the soldiers would not fight, the blame could not with plausibility be thrown on the generals. In the description of the contrivance by which Siccius is killed, the means by which it is detected, and the evil impression produced on the army, Livy agrees with Dionysius.(119)

§ 51 The outrage which rouses the indignation of the camp at Algidus, is the attempt of Appius upon the chastity of Virginia, and her tragic death by her father's hand. Of this event, we have copious narratives from both our historians, which agree with each other in their general tenor and in many minute details; in some material circumstances they differ. It will be sufficient for our present purpose to recite the leading facts of this celebrated story.

L. Virginius,(120) a plebeian, now serving as a centurion in the camp at Algidus, had a beautiful daughter, fifteen years of age; her mother, Numitoria, was dead, and she was in the habit of attending a school in the forum, under the care of a female attendant. Here Appius, the decemvir, had seen her; and being struck with her beauty, resolved to gain possession of her person. This object he sets about accomplishing in the following indirect and public manner. He employs M. Claudius, one of his clients, to claim her, by legal process, as his slave. M. Claudius lays his hands upon her, and cites her before the

(118) See above, p. 185—191.

(119) Livy, iii. 43. A brief account of the murder of Siccius, agreeing with both historians, is given in Zon. vii. 18. A fragment of Dio Cassius, published by Mai, refers to this portion of the decemviral history. It states that both the camps and the city were disturbed; that the soldiers, desirous that the affairs of their rulers should fail, courted defeat; while the rulers not only rejoiced in the deaths of their own men, but secretly destroyed the most active leaders of the people, and that a formidable division was created, xxiii. 3, ed. Bekker.

(120) Cic. Rep. ii. 37, gives him the prænomen *Decimus*: but apparently from an error of memory. In our copies of Livy, moreover, he is first called *Lucius*, and afterwards *Aulus*. Below, n. 140.

tribunal of Appius. Here he states that the girl was the daughter of one of his slave-women, that she had been stolen from his house, and that the wife of Virginius had passed off the supposititious child as her own. This statement he offers to substantiate by proof. The friends of Virginia represent the hardship of deciding the question without notice, and in the father's absence:(121) and insist that she ought to remain in the possession of her family until the question can be fully heard. Appius, impatient to gratify his lust, decides, against a law of the twelve tables, that the plaintiff, claiming a free person as his slave, is entitled to immediate possession, and that Virginia is to remain in the custody of M. Claudius until the day of the trial. Icilius, however, to whom Virginia had been betrothed, makes a vehement remonstrance against this iniquitous decree:(122) the people are roused by his appeal; and an attempt to beat off the lictors, and to rescue her from the hands of M. Claudius, is threatened, when Appius judges it prudent to yield. He advises M. Claudius to forego his extreme right, and to waive the possession of the girl for the present: he then appoints the further hearing of the cause to take place on the morrow. This interference of Icilius is supported by Numitorius, the maternal uncle of Virginia.(123) Security is given by

(121) Livy and Dionysius differ at this point. Livy says that Virginia is defended, before the utterance of the decree, by certain unnamed 'advocates;' and that Numitorius and Icilius did not appear till after the decree had been made, and the preliminary proceeding was virtually closed, iii. 45. According to Dionysius, Numitorius and Icilius are present from the beginning of the proceeding; they hear the statement of M. Claudius, and Numitorius answers it. xi. 28-30.

(122) There is a close agreement, as far as the sentiments are concerned, between the spirited and rhetorical speech of Icilius in Livy, c. 45, 'Ferro hinc tibi summovendus sum, Appi,' and the speech in Dionysius, c. 31, *οὐκ ἐμοῦ γε ζῶντος*.

(123) This is the statement of Dionysius; and the text of Livy has been altered into conformity with it. But all the MSS. have *Avus*, not *Avunculus* in Livy, iii. 45, 57. From this it would seem as if Livy conceived Numitorius as the father, not the brother, of the wife of Virginius: but in c. 54, the manuscripts have 'P. Numitorium, avunculum Virginii,' where the last word has been altered into 'Virginiæ.' If Numitorius had been the maternal grandfather of Virginia, he would have been the father-in-law, not the uncle, of Virginius.

the friends of Virginia, and by the bystanders, for her appearance on the following day.(124)

The brother of Icilius, and the son of Numitorius,(125) lose no time in riding to the camp at Algidus, and in informing Virginius of the proceedings of Appius. Having been despatched while the discussion was proceeding, they anticipate the letter of Appius, instructing Antonius the decemvir to detain Virginius in the camp. Virginius is on his way to Rome before the letter is delivered,(126) and he appears the next morning with his daughter before the tribunal of Appius.

The accounts given by our historians of the proceedings on this important occasion, differ from one another. According to Livy, there is no further argument, or examination of witnesses; but after a few words from M. Claudius, complaining that judgment had not been given on the preceding day, Appius, without waiting for any statement, either from the plaintiff or the defendant, decides that Virginia is the slave of M. Claudius. Livy mentions only the effect of the decision, adding, that various reports of the reasons for it had been given by ancient authorities, but that all of them seemed to him deficient in probability.(127) According to Dionysius, there was a regular trial

(124) Livy, iii. 44-6: Dion. Hal. xi. 28-32.

(125) Livy, iii. 46, and Dion. Hal. xi. 38, agree as to these two messengers.

(126) The two historians differ here as to time. Livy, c. 46, says that Virginius left the camp at the first watch of the night (about 6 p.m.); whereas the letter of Appius was not delivered till the next morning. Dionysius says that the letter of Appius was delivered at the first watch, but that Virginius was already gone, c. 33. When the statements are so detailed as these, it is worth while to note minute discrepancies. As to the *vigiliæ*, see Becker, iii. 2, p. 324.

(127) Quem decreto sermonem prætenderit, forsan aliquem verum auctores antiqui tradiderint. Quia nusquam ullum in tantâ fœditate decreti verisimilem invenio; id, quod constat, nudum videtur proponendum, decresse vindicias secundum libertatem, iii. 47. Under the later Roman jurisprudence, the *vindiciæ* of the prætor was a judgment affecting only the mesne possession, or use, or profits, of the thing in litigation; the ownership or dominion being reserved for the subsequent decision of a judex assigned by the prætor. See Facciolati in v. where the technical meaning of the word is clearly explained. Niebuhr construes Livy's words in their strict sense; and supposes Appius to decree to M. Claudius only the intermediate possession of the girl, until a judge should determine the question of ownership. Hist. vol. ii. p. 350-1. The same view had been

of the question, M. Claudius repeated what he had stated on the previous day; after which, the defence of Virginia was fully heard, and was supported by many witnesses, who deposed to the pregnancy of Numitoria, and her delivery of the child. Appius then pronounced his judgment, which he founded on his alleged personal knowledge. He said that he had been appointed by the father, guardian to M. Claudius: that while he was acting as guardian he received information that the child of his ward's slave-woman had been stolen, and been treated by Numitoria as her own; that he had taken no steps at the time for recovering the child, but had left it to M. Claudius, when he came of age, either to claim it, or to compromise his right for

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taken by Bauer ad l., and is approved by Ruperti. It is not easy to accede to this explanation. Livy appears rather to use the term *vindiciæ* in a loose and popular sense, as expressing a decision of the entire right. It seems very improbable that Appius should, in such a case, contemplate any ulterior proceeding, similar to the final decision of a judex, after the intermediate decree of the prætor. Such an interpretation is indeed negatived by the subsequent words of Appius, who, when Virginius threatens armed resistance, thus addresses the lictor, 'I, lictor, submove turbam, et da viam domino ad prehendendum mancipium,' Here he treats M. Claudius as the *dominus*, and Virginia as his *mancipium*; which would not have been the case if the judgment had merely affected the mesne possession. After the fall of the decemvirs, when Appius is accused by Virginius, the latter thus describes his offence: 'Carnificibus, non lictoribus, stipatus, jam ab rapinis et cædibus animo ad libidinem verso, virginem ingenuam in oculis populi Romani, velut bello captam, ab complexu patris abreptam, ministro cubiculi sui clienti *dono dederit*,' c. 57. Although the words of this rhetorical passage must not be construed strictly, they imply an absolute, not an intermediate, decree. The word vindiciæ seems to be used by Livy (nefandæ vindiciæ, c. 57, injustæ vindiciæ, c. 58) in the general sense of a decree. Dionysius distinctly makes the judgment of Appius decide the question of ownership: *κρίνω εἶναι τοῦτον τῆς παιδίσκης κύριον*, xi. 36. So Diod. xii. 24, *τοῦ δὲ διακούσαντος τῆς κατηγορίας, καὶ τὴν κόρην ἐγχειρίσαντος, ἐπιλαβόμενος ὁ συκοφάντης ἀπήγαγεν ὡς ἰδίαν δούλην*. Zonaras, vii. 18, uses the word δουλαγωγεῖν, which denotes property, as well as possession. The language of Victor, likewise implies that Virginia is made a slave by the decree: 'Pater, re cognitâ, quum ipso die judicii supervenisset, *et filiam jam addictam videret*, ultimo ejus alloquio in petrato,' &c. De Vir. Ill. 21. Niebuhr remarks that Livy 'takes a very clear view of the whole case,' upon the supposition that he represents the decree of Appius as limited to the possession of Virginia; but the view of the case taken by Dionysius, who expressly states that the ownership was adjudged to M. Claudius, is at least equally clear, ib. vol. ii. n. 773. The remark in n. 772, that according to Livy, Appius 'pronounced nothing' in the first decree is not correct. The remonstrance of Icilius shows that what he pronounced was most important; and he is forced, by the fear of popular resentment, to recede from his judgment. Dr. Arnold follows Niebuhr, vol. i. p. 306.

money; but that as the right was now put in suit, he had no option, knowing the true state of the facts, but to declare the plaintiff to be the owner of the girl.(128)

When the decree has been pronounced, and M. Claudius is about to carry Virginia away as his lawful slave, Virginius, according to Livy, obtains permission of Appius to question the female servant of Virginia in her presence, as to the alleged paternity, in order that he may satisfy his doubts. He leads the two aside close to some shops (the place of which was known in Livy's time),(129) and seizing a knife from a butcher, he exclaims to his daughter, 'In this way alone can I assert your freedom.' He then stabbed her in the heart, and cried out to Appius that he devoted him and his head to the infernal gods by the blood which was shed.(130) Dionysius says that, being permitted to embrace his daughter, and speak to her alone, he led her near a butcher's shop, where he seized a knife from the table, and pierced her through the heart, saying, 'I send you, my child, free and pure to your ancestors under the earth, before the tyrant could deprive you of your liberty and your chastity.'(131)

§ 52 At the sight of this terrible deed, Appius orders Virginius to be seized; but he makes his way through the people, with the bloody knife in his hand, calling them to liberty. He is accompanied from the gate of the city by a body of about 400 persons,(132) and bends his course to the camp. Here he shows himself to his fellow-soldiers, and describes to them the judgment of Appius, and its consequences; holding up the instrument with which the sacrifice of his daughter had been accomplished, and pointing to her blood with which he was still

(128) Dion. Hal. xi. 33-7.

(129) Seducit filiam ac nutricem prope Cloacinæ ad tabernas, quibus nunc Novis est nomen; Livy, iii. 48. Concerning the situation of the temple of Cloacina, see Becker, vol. i. p. 320. *Nutrix*, like τροφὸς, was the female slave, who had the care of an unmarried woman.

(130) Livy, iii. 48. (131) Dion. Hal. xi. 37.

(132) This number is mentioned both by Dionysius, c. 37, and Livy, c. 50.

besmeared. The army are moved by the appeal; and, in spite of their five decemviral generals, they tear up the standards, march into Rome, and occupy the Aventine, which was now the plebeian hill. In the meantime, Icilius and Numitorius raise the people in the city. They are soon joined by Horatius and Valerius. Appius at first endeavours to put down the insurrection by force, but the lictors are repulsed by the enemies of the decemvirs: he then attempts to address a meeting of the people, but they refuse to hear him: he is glad to escape from the popular indignation, and to hide himself in a house near the forum.(133) In this perilous state of things, his colleague, Oppius, convenes the Senate: the Senate, desirous of quiet, send a deputation of their younger members to the camp near Algidus.(134) A second meeting is held after the army has removed to the Aventine, and three men of consular rank, Sp. Tarpeius, C. Julius, and P. Sulpicius,(135) are despatched on a mission to the army, to inquire their reasons for their sudden appearance in the city. The army give no other answer to this message than that they will negotiate with Valerius and Horatius. Having, however, deposed their five decemviral generals, they elect ten military

(133) Dionysius says that Appius, believing the people to be still favourable to him, convened a popular assembly at the temple of Vulcan (see Becker, vol. i. p. 287): and that he tried to persuade them to consent to the execution of the insurgents, by throwing them down the Tarpeian rock: but that Valerius, with the dead body of Virginia, held a meeting in another part of the forum, and drew off the audience of Appius; so that he was left alone, and glad to depart; xi. 39. Livy describes Appius as convening an assembly, which Horatius and Valerius also attend; and he says that the people gave a hearing to the two latter, but refused to listen to the decemvir; iii. 49.

(134) The deputation to the camp at Algidus is mentioned by Livy, c. 50. Dionysius represents Oppius as not convening the Senate until after both the armies have removed to the Aventine; c. 44. His description of the position and course of Appius agrees closely with that of Livy. The account of the deliberation of the Senate in Dionysius is unluckily imperfect.

(135) The same three names are also given by Asconius ad Orat. pro Corn. p. 77. Sp. Tarpeius was consul in the year 454 B.C.; C. Julius in 489 and 482 B.C.; and was also one of the first decemvirs in 451 B.C. Ser. Sulpicius was consul in 461 B.C., and decemvir in 451 B.C. He was also one of the commissioners sent to Greece. There is a confusion in his prænomen between *Publius* and *Servius* in Livy: see above, p. 195, n. 84.

tribunes, as their representatives.(136) The other army, encamped at Fidenæ, had been ready for revolt since the murder of Siccius, and are easily persuaded by Icilius and Numitorius to join the legions on the Aventine. They march into the city through the Colline gate. They likewise appoint ten military tribunes as their leaders; and the twenty united select two out of their number, M. Oppius and Sex. Manilius, to hold the chief command.(137)

The remaining events of the year, including the final overthrow of the decemvirs, and the restoration of the legal government, are preserved only in Livy. According to his account, the Senate hold frequent meetings, and occupy the position of mediators between the army and the decemvirs, but take no decided step suited to the emergency. They are willing to send Valerius and Horatius to negotiate with the plebeians encamped on the Aventine; but Valerius and Horatius refuse to undertake the mission, until the decemvirs have formally abdicated their usurped authority. The decemvirs, however, refuse to lay down their office until the laws, which they were appointed to prepare, have been enacted. As neither party is willing to give way, and the Senate exercises no paramount influence for ejecting the decemvirs from their illegal power, the plebs, advised by

(136) Dion. Hal. xi. 38-43; Livy, iii. 49-51.

(137) Dion. Hal. xi. 44; Livy, iii. 51. The accounts of the choice of the ten tribunes by each army, and the subsequent election of Oppius and Manilius, are given by both historians. The narrative of Dionysius is brought down to the junction of the two armies on the Aventine, and the meeting of the Senate: but its deliberation is imperfect. His account of the final overthrow of the decemviral government, and of the laws of the twelve tables, which followed in the hiatus in c. 44, is unhappily lost. The latter part of his eleventh book is in an incomplete state: about twenty chapters of it seem to be wanting. That part of the text of Dionysius which corresponds to the latter part of c. 51 and to c. 52-4, of the third book of Livy, has perished. Livy and Dionysius (ubi sup.) both describe the army from the camp near Fidenæ joining the other army on the Aventine, before they secede as one body to the Mons Sacer. Zonaras, vii. 18, agrees with them. He says that the army against the Æquians marched into the town (ἐπὶ τὴν πόλιν) after the death of Virginia, and was joined there by the other army; that they here elected twenty leaders, and that the rest of the people in the city took part with them. Niebuhr arbitrarily rejects this account, and assumes that the army from Fidenæ did not enter the city, but joined the other army at the Mons Sacer, n. 781. This hypothesis alters the character of the events, and prevents the secession from being the combined act of the entire plebeian body.

M. Duilius, who had formerly been one of their tribunes, abandon the Aventine, and taking their course through the city and by the Nomentane road,(138) secede to the Mons Sacer. This decided step, which depopulates the city, compels the decemvirs to submit to the mercy of the Senate. They entreat, however, that their lives may be spared. Horatius and Valerius now fulfil their mission. The demands of the plebs, for a restoration of the tribunate, and of the appeal from the acts of the magistrates, are readily conceded; but the proposal that the decemvirs should be given up, in order that they may be burnt to death, is resisted by the envoys, and abandoned by the plebeians.(139) Thereupon the Senate pass a decree, requiring the decemvirs to resign their functions; declaring that the Pontifex Maximus shall hold the comitia for electing tribunes of the plebs; and granting an amnesty for the secession. The decemvirs now formally abdicate their office, in a public assembly; and as soon as this fact is announced by the envoys to the seceders, they return in military array to the Aventine. The first act was to hold comitia, under the authority of the Pontifex Maximus (there being no other legal magistrate), and to appoint

(138) In order to reach the Via Nomentana the plebeians must have marched from the Aventine hill through the Colline gate. Suetonius, Tib. 2, says that Appius the decemvir, by his attempt on Virginia, caused the plebs again to secede from the patricians.

(139) Dionysius, xi. 49, represents C. Claudius as subsequently complaining that the execution of some of the decemvirs, and the punishment of all, was contrary to the solemn treaty of indemnity and amnesty for all previous acts, made between the patricians and plebeians. His account of the terms of agreement is lost. Livy states very distinctly that the seceders stipulated for indemnity, and obtained it. In c. 53, he says that one of their demands was: 'Ne cui fraudi esset, concisse milites aut plebem ad repetendam per secessionem libertatem.' The envoys accede to this demand, and the Senate thereupon decrees, 'ne cui fraudi esset secessio militum plebisque;' c. 54. Afterwards, on the rogation of Icilius, a plebiscitum is made, 'ne cui fraudi esset secessio ab decemviris facta.' ib. Zonaras, vii. 18, gives a similar account: *κἀκ τούτου συναλλαγῆς γενομένης τοῖς μὲν θορυβήσασιν ἄδεια τῶν πραχθέντων ἐδόθη καὶ ἡ δεκαρχία κατελύθη.* But nothing is said by either writer of an indemnity being granted to the decemvirs, beyond the refusal of the envoys to agree to the proposed surrender of the decemvirs to the plebeians, in order that they might be burnt to death. Livy certainly represents the decemvirs as requesting the patricians to stipulate that their lives should be saved. The narrative is too imperfect to decide what terms were supposed to have been made on behalf of the decemvirs.

ten tribunes of the plebs; the three first of whom were Virginius, Icilius, and Numitorius.(140) When the death of Lucretia led to the overthrow of the royalty, her husband Collatinus was appointed one of the first consuls;—so when the outrage to Virginia produced the fall of the decemvirate, her father, her intended husband, and her uncle, are immediately appointed tribunes.

§ 53 When the tribunes had entered on their office, a meeting of the plebs was held in the Prata Flaminia,(141) and decrees were passed, giving an indemnity to the seceders, and directing the appointment of consuls, subject to the usual appeal. The comitia centuriata were then held by an interrex, at which Valerius and Horatius were elected consuls. The new consuls, true to their popular principles, proposed and carried some important laws. It being doubtful whether plebiscita, or decrees of the plebs in comitia tributa, were binding upon the patricians, the consuls carried a law, in comitia centuriata, removing the doubt, and declaring that the acts of the plebs in comitia tributa were binding upon the entire community.(142) 'It has been already explained (says Dionysius), that in the comitia tributa the plebeians and the poor prevailed over the patricians; but in the comitia centuriata, the patricians, though much inferior in number, prevailed over the plebeians.' Other laws were also passed, prohibiting the creation of magistrates without appeal, and providing for the sanctity and perpetual renewal of the tribunes.(143) Notice of trial, for his enormities

(140) Livy, iii. 51-4. In c. 54, the envoys say to the plebs: 'In Aventinum ite, unde profecti estis. Ibi felici loco, ubi prima initia inchoastis libertatis vestræ, tribunos plebi creabitis.' It is difficult to perceive what Livy means by describing the Aventine as the cradle of the liberty of the plebeians. It seems as if he assumes the First Secession to have been to the Aventine, and not to the Mons Sacer. See above, p. 75. In Livy, c. 54, the MSS. give to Virginius the prænomen of *Aulus*; whereas Livy, with Dionysius, calls the father of Virginia, *Lucius*. Livy, however, below, c. 58, expressly identifies the tribune with the father of Virginia, so that either he or his copyists must be in error.

(141) See Becker, vol. i. p. 598, and compare Livy, iii. 63.

(142) This law is thus expressed by Livy: 'Ut, quod tributim plebes jussisset, populum teneret;' iii. 55.

(143) Dion. Hal. xi. 45; Livy, iii. 54-5.

as decemvir, was then given to Appius by Virginius; but though C. Claudius, his uncle, returned from Regillum to intercede for him, the tribune insisted on pressing the charge; and, before the day of trial, he either killed himself in prison, or was put to death in it by order of the tribunes.(144) Appius, according to Livy, killed himself in prison before trial; according to Dionysius, he was condemned by all the tribes, and was executed in prison the same day. The other eight decemvirs were banished, and their property forfeited.(145) M. Claudius, the plaintiff in the mock action against Virginia, was sentenced to banishment. 'Thus (Livy remarks) the manes of Virginia, happier in death than in life, having passed through so many houses in order to wreak their revenge, at last found rest from the want of any other guilty person to punish.'(146) Lastly, it should be added that, according to Livy, the consuls, before they took the field, caused the twelve tables of the decemviral laws to be engraven on brass, and exposed in public. Some, however, stated that this act was performed by the ædiles, under the direction of the tribunes.(147)

§ 54. It now remains for us to consider, upon a review of the received accounts of the decemviral period, how far they

(144) Livy says only that he died by his own hand; Dionysius that he was generally believed to have been put to death in prison by order of the tribunes, but that they gave out that he had hanged himself. The words of Dionysius are, ὡς ἡ τῶν πολλῶν ὑπόληψις ἦν. Dr. Arnold remarks: 'He must have copied this from some annalist, although the oldest annalist could know as little as Dionysius of the public opinion of the times of the decemvirs;' vol. i. p. 323. Zonaras, vii. 18, says that both Appius and Oppius were cast into prison by the tribunes, but that they both killed themselves before the day of trial. Livy, vi. 20, mentions its having been remarked, as a contrast with the conduct of the Manlian house, in the case of Manlius in 384 B.C., that when Appius Claudius was imprisoned, C. Claudius, his enemy, and all the Claudian house, put on mourning. This circumstance might have been remembered after an interval of sixty-five years.

(145) One of these was Q. Fabius Vibulanus, the single Fabius who was saved from the destruction at the Cremera. We hear nothing more of him after the decemvirate: but M. Fabius Vibulanus, who was consul in 442 B.C. (Livy, iv. 11) and was Pontifex Maximus in 390 B.C. (Livy, v. 41), appears to be his son.

(146) Livy, iii. 56-8; Dion. Hal. xi. 46.

(147) Livy, iii, 57. The same consuls had made a regulation that the senatus consulta, which had hitherto been suppressed or altered ad libitum by the consuls, should be delivered to the plebeian ædiles, and kept by them in the temple of Ceres; ib. c. 55.

fulfil the conditions of historical credibility. With regard to the external attestation, little need be added to the remarks which have already been made concerning the original registration of the events assigned to this portion of the Roman annals. The decemvirate stands just half-way between the expulsion of the kings and the burning of the city by the Gauls. It is divided from each of these events by an interval of sixty years.(148) It is therefore considerably nearer the time of contemporary history, than the occurrences in the first years of the Republic. On the other hand, it is more than half a century before the time when Livy tells us that the few and meagre records of the former history perished for the most part in the flames.(149) When, therefore, Cicero speaks of the story of Virginia as having been rendered famous by many writers anterior to our extant historians;(150) when Livy alludes to the historical accounts of the debate in the Senate which was convened by the second decemvirs upon the alarm of invasion;(151) and when he speaks of the 'ancient authorities' for the reasons assigned by Appius for decreeing against the liberty of Virginia,(152) we must suppose that they allude to writers not earlier than Fabius Pictor, who composed their histories more than 200 years after the occurrences described. When the probable absence of all detailed official registration during this time, and the late period at which its history was reduced into writing, are considered, the minuteness of the narrative will, as we shall see presently, appear the more remarkable.

In passing to an examination of the internal character of the extant account of the decemvirate, we may begin by remarking

(148) Cicero speaks of the act of Virginius having taken place 'sexagesimo anno post libertatem receptam;' De Fin. ii. 20.

(149) vi. 1.

(150) Nota scilicet illa res, *et celebrata monumentis plurimis litterarum*, cum Decimus quidam Virginius virginem filiam, propter unius ex illis decemviris intemperiem, in foro suâ manu interemisset, &c.; Rep. ii. 37.

(151) Sed magis obedienter ventum in curiam est, quam obnoxie dictas sententias *accepimus*. L. Valerium Potitum, *proditum memoriæ est*, post relationem Ap. Claudii, priusquam, &c. Livy, iii. 39.

(152) See above, p. 209, n. 127.

that it is entirely free from all improbabilities of a supernatural description. There is nothing about visible appearances of the gods, or voices issuing from statues; there is not even an omen, a prodigy, a Sibylline prediction, or anything resembling a religious legend, in the whole story. Though some of the incidents are highly dramatic and poetical, they all turn upon merely human motives and agents. In estimating the probability of the narration, we must look mainly to the coherence and mutual connexion of the events, and consider how far an intelligible sequence of occurrences is presented to us. We must attempt to determine, whether the conduct attributed to the people at large, and to the most prominent actors among them, is consistent with the situations in which they are respectively placed, according to the preceding course of the narrative.

The proposal which led to the decemviral legislation, is described by Dionysius as originating with the tribune Terentillus, and as intended to establish an equality of rights between patricians and plebeians. He represents it as promoted by the plebeian party, and as pertinaciously resisted by the patricians, who, by their opposition, delay its final adoption for ten years. Even after the envoys have returned from abroad, with the copies of the Greek laws, he describes the consuls as resorting to contrivances for evading the question of the new code;(153) and the Senate as only induced, by the unexpected desertion of Appius, to consent to the appointment of lawgivers. He appears to conceive the popular character of this measure as dependent on two circumstances:—1. The equalization of the rights of the patricians and plebeians;(154) 2. The substitution of written laws

(153) He speaks of these consuls, Menenius and Sestius, as reluctant *καταλῦσαι τὴν ἀριστοκρατίαν* during their term of office, x. 54. Dionysius calls the constitutional government of Rome at this time an *ἀριστοκρατία*, whereas he calls the decemviral government an *ὀλιγαρχία*.

(154) Dion. Hal. x. 1, 3, 54, above, p. 166. In x. 50, he says *ἔπειτα περὶ τῶν νόμων, οὓς ἐσπούδαζον οἱ δήμαρχοι κοινοὺς ἐπὶ πᾶσι Ῥωμαίοις γραφῆναι, καὶ εἰς ἅπαντα τὸν χρόνον διαφυλαχθησομένους, διάγνωσιν ἀπέδωκαν τῇ βουλῇ.* On the supposed equality of rights introduced by the decemviral code, see Becker, ii. 2, p. 132. Dion. Hal. ii. 27, states that the decemvirs framed a code, and exhibited it in the forum, in order that the common rights of the citizens might not be subject to the arbitrium of the magistrates.

for unwritten customs.(155) The possession of written laws, and an adherence to them in practice, instead of decisions according to the discretion of the magistrates, were, it may be observed, considered by the Greeks as democratic in their character.(156) Livy's view of the Terentillian law is, as has already been explained, different from that of Dionysius. He conceives it as a measure limited to a circumscription of the powers of the consuls; and he supposes that the project of a code arose at a subsequent period, when the Terentillian law was abandoned. Even he, however, represents the code as intended to equalize the rights of the patricians and plebeians.(157)

The text of the twelve tables has unfortunately not escaped the wreck of ancient literature, and the general description of their contents given by Dionysius has likewise perished; our knowledge of them is confined to fragments, which occur as quotations in ancient writers;(158) but we know enough concerning them to authorize us in saying, that they had not the

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(155) This antithesis is expressed by Dionysius in describing a debate in the Senate upon the question, after the return of the envoys; ἐλέχθησαν μὲν οὖν καὶ τότε πολλοὶ ὑπ' ἀμφοτέρων λόγοι, τῶν τε παραινούντων κατὰ νόμους πολιτεύεσθαι, καὶ τῶν ἀξιούντων τοὺς πατρῴους φυλάττειν ἐθισμούς, x. 55. In x. 57, he describes the decemvirs as συγγράψαντες νόμους ἐκ τε τῶν Ἑλληνικῶν νόμων καὶ τῶν παρὰ σφίσιν αὐτοῖς ἀγράφων ἐθισμῶν.

(156) See Æschin. adv. Ctesiph. § 6, ed. Bekker; Eurip. Suppl. 429-34. Compare Hermann's Gr. Ant. § 54, n. 3, who cites a remark from a treatise of Weisse: 'Græci leges scriptas semper habuerunt pro palladio democratiæ.'

(157) In iii. 34, the first decemvirs say of the ten tables, 'se, quantum decem hominum ingeniis provideri potuerit, omnibus summis infimisque jura æquasse.' After the fall of the decemvirs, Appius, when threatened with a prosecution, defends himself by mentioning 'suum infelix erga plebem Romanam studium, quod *æquandarum legum caussâ* cum maximâ offensione patrum consulatu abisset;' iii. 56. In this passage the allusion is to the readiness with which Appius, as consul elect, promoted the views of the plebeians against the patricians: it is described by Dion. Hal. x. 54-5, but not by Livy himself.

(158) See Dirksen, Uebersicht der bisherigen Versuche der Kritik und Herstellung des Textes der Zwölf-Tafel-Fragmente. Leipsig, 1824. 1 vol. 8vo. Compare Mr. Long's Art. on the Twelve Tables, in Dr. Smith's Dictionary of Antiquities: and Zimmern, Geschichte des Römischen Privatrechts, vol. i. p. 92-109. Mr. Long remarks that 'the legislation of the Twelve Tables has been a fruitful matter of speculation and inquiry to modern historians and jurists, who have often handled the subject in the most uncritical manner, and with utter disregard to the evidence.'

character of a constitutional code; and that they contained nothing which placed the plebeians on a footing of political equality with the patricians. The political inequality between the two orders remained not less after the decemviral legislation than it had been before. All the great constitutional changes, by which the plebeians achieved this equality, are mentioned as separate and successive measures, after the fall of the decemvirs. There is therefore nothing in the results of the decemviral legislation to explain the eagerness of the plebeian body to obtain it: the laws have not the character which we are told that they were intended to possess. Nor can this inconsistency be explained by the supposition that the promoters of the measure were frustrated in their policy by the opposition of the patricians. So little is this the case, that Appius, who is paramount in the first, as well as in the second, board of decemvirs, is represented as a partizan of the plebs during the first year.(159) We are told, moreover, that the ten tables were exposed in public before they were enacted; that they were submitted to general criticism, and underwent the closest scrutiny; that they were amended so as to satisfy public opinion;(160) and that they were sanctioned by

(159) Livy says of the first decemvirate: 'Regimen totius magistratus penes Appium erat favore plebis; adeoque novum sibi ingenium induerat, ut plebicola repente omnisque auræ popularis captator evaderet, pro truci sævoque insectatore plebis; iii. 33. Dionysius likewise describes the popular demeanour of Appius and his colleagues at this time, and he says: *μάλιστα δ' αὐτῶν ἐπῃνεῖτο ἡ τοῦ δημοτικοῦ πρόνοια, καὶ πρὸς ἅπαν τὸ βίαιον ὑπὲρ τῶν ἀσθενεστέρων ἀντίταξις*, x. 37. In xi. 12, Dionysius represents C. Claudius as reminding Appius of the important services which he had rendered to the people, previously to the recent proceedings, which he uses as an argument why Appius should not be afraid of voluntarily resigning his power. On the other hand, Appius, the son of the decemvir, is described by Livy as 'jam inde ab incunabulis imbutum odio tribunorum plebisque,' iv. 36. This seems to imply that the decemvir had been hostile to the plebs before the first decemvirate, and agrees with the former passage of Livy.

(160) *προὐθηκαν ἐν δέκα δέλτοις τῷ βουλομένῳ σκοπεῖν, πᾶσαν δεχόμενοι ἐπανόρθωσιν ἰδιωτῶν, καὶ πρὸς τὴν κοινὴν εὐαρέστησιν ἀπευθύνοντες τὰ γραφέντα. καὶ μέχρι πολλοῦ διετέλεσαν ἐν κοινῷ μετὰ τῶν ἀρίστων ἀνδρῶν συνεδρεύοντες, καὶ τὴν ἀκριβεστάτην ποιούμενοι τῆς νομοθεσίας ἐξέτασιν*, x. 57. Livy gives a similar account: he says that the decemvirs laid the ten tables before the public, with the remark: 'Plus pollere multorum ingenia consiliaque. Versarent in animis secum unamquamque rem, agitarent deinde sermonibus; atque in medium, quid in quâque re plus minusve esset, conferrent. Eas leges habiturum populum Romanum, quas consensus

a solemn vote of the people in comitia centuriata. Cicero likewise describes the ten tables of the first decemvirs as having been composed with 'the utmost equity and wisdom.'(161) It is true that he gives a different character to the two additional tables, and calls them unjust; but these tables are stated to have contained a prohibition of marriages between patricians and plebeians; a prohibition which did not exist before, and which, instead of putting the plebeians on an equality with the patricians, created a new inequality.(162) Our accounts therefore lead to the conclusion, that the ten tables were framed in a manner agreeable to the policy and wishes of the plebeians; and yet they appear to have contained nothing by which that policy and those wishes were carried into effect. The accounts of the purposes and circumstances of the legislation cannot be reconciled with its results.(163)

The mission of the three envoys to Athens and other Greek cities, to collect laws, is an improbable event. The Romans cannot be supposed to have known much about the laws of Solon in the year 454 B.C.,(164) and they were still less likely to have heard of the reforms of Clisthenes, which Niebuhr supposes to have been

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omnium non jussisse latas magis, quam tulisse, videri posset.' He then adds: 'Quum ad rumores hominum de unoquoque legum capite edito satis correctæ viderentur, centuriatis comitiis decem tabularum leges perlatæ sunt;' iii. 34.

(161) Qui cum x. tabulas summâ legum æquitate prudentiâque conscripsissent, in annum posterum decemviros alios subrogaveruut, quorum non similiter fides est nec justitia laudata; De Rep. ii. 36.

(162) Above, p. 202.

(163) An entirely different reason for the creation of decemvirs is assigned by Aurelius Victor: 'Populus Romanus, *cum seditiosos magistratus ferre non posset*, decemviros legibus scribendis creavit;' De Vir. Ill. 21.

(164) The legislation of Solon is placed by Mr. Clinton in the year 594 B.C., in the reign of Tarquinius Priscus. According to Ammianus Marcellinus, xxii. 16, Solon, sententiis adjutus Ægypti sacerdotum, latis justo moderamine legibus, Romano quoque juri maximum addidit fundamentum. In xvi. 5, he speaks of the sumptuary laws adopted by Rome from the rhetræ of Lycurgus, and the axones of Solon. The disposition to derive Roman institutions from a Lacedæmonian source, has been already remarked above, vol. i. p. 435. Fabulous travels were attributed to many of the early Greek philosophers, as Thales, Pythagoras, Solon. The supposed legislative visit of Lycurgus to Crete is another fiction of the same sort. Plut. Lycurg. 4.

the object of the mission.(165) If any foreign lawgiver had attracted their attention, it seems as if Zaleucus, the lawgiver of the Epizephyrian Locrians in Southern Italy, whose written laws are said to have been the most ancient in the Greek language, or even Charondas, the lawgiver of Catana in Sicily, would have occurred to them before Solon. The laws of the twelve tables had an indigenous character, and did not resemble any of the Greek codes:(166) Cicero considers them as immeasurably superior to any of the Greek legislations;(167) and in the passage of the Republic where he extols the decemviral laws, he makes no allusion to the supposed mission to Athens.(168) No mention of these emissaries, as having been seen at Athens or any other Greek town, occurs in any Greek author. They would have arrived at Athens in 453 B.C. during the early campaigns of Pericles, twenty-two years before the beginning of the Peloponnesian war, when Socrates was still a boy, and twenty-six years before the embassy of Gorgias to Athens.

There was likewise another story which referred the twelve tables to a Grecian origin. Hermodorus of Ephesus, while an exile from his country, and resident in Italy, was said to have been the adviser of the decemvirs in the enactment of these laws.(169) Pliny likewise mentions that there had been in the comitium a statue of Hermodorus of Ephesus; whom he describes as the interpreter of the decemviral laws.(170) The

(165) 'It is a mistake, *but a pardonable one*, in our historians to talk of the laws of Solon: these did not contain what the Romans wanted: they took their lesson from the later legislation.' Niebuhr, Hist. vol. ii. p. 306. The ten tribes were instituted by Clisthenes in 510 B.C.

(166) Dionysius speaks of the laws of the Twelve Tables, as *τοσαύτην ἐχόντων διαφορὰν παρὰ τὰς Ἑλληνικὰς νομοθεσίας*, xi. 44.

(167) De Orat. i. 44. On the other hand, Diodorus says: *ἡ δὲ γραφεῖσα νομοθεσία, βραχέως καὶ ἀπερίττως συγκειμένη, διέμεινε θαυμαζομένη μέχρι τῶν καθ' ἡμᾶς καιρῶν*, xii. 26. Compare Niebuhr, Lect. vol. i. p. 194.

(168) See Mai's note on Cic. Rep. ii. 36.

(169) Quarum ferendarum auctorem fuisse decemviris Hermodorum quendam Ephesium exsulantem in Italiâ quidam retulerunt; Pomponius, ap. Dig. i. 2, 2, § 4. Strabo represents him as having actually legislated for the Romans: *δοκεῖ δ' οὗτος ὁ ἀνὴρ νόμους τινὰς Ῥωμαίοις συγγράψαι*, xiv. 1, § 25.

(170) Fuit et (statua) Hermodori Ephesii in comitio, legum quas decemviri scribebant interpretis, publice dicata; Plin. N. H. xxxiv. 11.

existence of a statue of Hermodorus in the comitium does not prove that he had any connexion with the twelve tables, and as this Hermodorus is stated to have been the companion of Heraclitus, when he was banished from Ephesus,(171) it is material to observe that the date given to Heraclitus by the Greek writers is scarcely reconcilable with the supposition that his companion was the adviser of the decemvirs.(172)

The whole history of the decemvirate revolves round the person of Appius: he is described as joining the plebeians, and, by his defection from the patrician cause, inducing the Senate to consent to the appointment of lawgivers with absolute powers:(173) he is leader of the first, not less than of the second, decemvirs;(174) he is the cause of their creation, the guide of their policy, and the author of their downfall. It is therefore material

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Niebuhr remarks on this passage: 'It looks as if Pliny, in his hurry, had fancied at the moment that Hermodorus, to do honour to Rome, had translated her laws into Greek: his author however must have meant that he translated Greek laws for the use of the decemvirs;' vol. ii. n. 707. The meaning of Pliny is manifest, and we are not entitled to assume that he misunderstood his authority, in order to make his story harmonize with that of Pomponius. It is quite possible that he followed a different account.

(171) See Cic. Tusc. v. 36; Strabo, xiv. 1. § 25; Diog. Laert. ix. 2; Musonius ap. Stob. Flor. xl. 9.

(172) Heraclitus is stated to have flourished in the 69th Olympiad, Clinton ad ann. 503. As the banishment of Hermodorus is mentioned in the story of Heraclitus, his exile in Italy, stated by Pomponius, is apparently intended to be its result. Niebuhr remarks that if Cicero knew the story of Hermodorus, he could not have believed it; as in that case he would have mentioned it in the preface of the Tusculan Questions. Cicero (he adds) nowhere gives the least hint that there was any Greek element in the twelve tables; vol. ii. n. 707. Niebuhr however says of Hermodorus: 'The tradition that he assisted the decemvirs in framing their laws seems well-founded; if however he had any share in the twelve tables, it can only have related to the constitution;' ib. p. 309. No part of the twelve tables however seems to have related to the constitution. Compare Niebuhr, Lect. vol. i. p. 195. A (spurious) epistle from Heraclitus to Hermodorus, respecting the banishment of the latter from Ephesus, is printed in Eunapius, ed. Boissonade, vol. i. p. 424.

(173) Dion. Hal. x. 54-5; Livy, iii. 56. See above, p. 196.

(174) Appius Claudius, unus ex decemviris, cujus maximum consilium in duodecim tabulis scribendis fuit; Pomponius ap. Dig. i. 2, 2, § 36. The conduct of Appius is thus sketched by P. Sempronius, the tribune, in 308 B.C.: 'Decemvir in annum creatus, altero anno se ipse creavit; tertio, nec ab se, nec ab ullo creatus, privatus fasces et imperium obtinuit: nec ante continuando abstitit magistratu, quam obruerent eum male parta, male gesta, male retenta imperia;' Livy, ix. 34.

to examine how far his person and conduct are represented to us in a clear and consistent light.

Appius Claudius, the decemvir, is, according to Dionysius and Livy, the son of the Appius Claudius who killed himself (or died) in prison in the year 470 B.C., and the grandson of the Appius Claudius who, in one of the first years of the Republic, migrated to Rome with a large body of followers from Regillum in the Sabine country.(175) This account would suppose him to be in the prime of life at the time of the decemvirate, and agrees with the circumstances of the narrative. In an extant fragment of the Capitoline Fasti, however, his consulship in the year 451 B.C.—the consulship which he abdicated in order to become a decemvir—is recorded as his second consulship. According to our historians, this was his first consulship; and therefore the Capitoline Fasti appear to identify him with the consul of the year 471 B.C.,(176) whom the other accounts consider as his father. Niebuhr seems to prefer the statement of the Fasti;(177) and it is certainly remarkable that a father and son should both have died in prison by their own hand; it is likewise true that the character which Livy gives to the decemvir, of having been a fierce opponent of the plebs, agrees better with the son than with the grandson of the first Appius;(178) for according to both our historians the decemvir is never heard of, as a public man, until the year of the first decemvirate.(179) On the other hand, both Livy and Dionysius represent C. Claudius, who was a younger son of the first Appius, as the uncle of the decemvir, and as his senior in age;(180) and the energy of Appius during

(175) Above, p. 156.

(176) The Fasti designate him as 'Ap. Claudius, Ap. F. M. N. Crassin[us] Regill[ensis] Sabinus II.' The designation of *Appii filius, Marci nepos*, appears likewise intended for the son of the first Appius.

(177) Hist. vol. ii. n. 754. See above, p. 156, n. 203.

(178) Livy, iii. 33.

(179) Dionysius indeed represents C. Claudius as reminding Appius of the many important services which he had rendered to the people, πρὸ τῆς ὀλιγαρχίας, xi. 12. What these services were which he rendered to the people before the decemvirate, does not appear.

(180) Livy, iii. 35 and 40, expressly calls C. Claudius the uncle (patruus) of the decemvir. In c. 58 he speaks of C. Claudius as coming to

the decemvirate, as well as the story of Virginia, agree better with a man in the prime of life than with a man advanced in years. The discrepancy of statement, however, is remarkable, considering that the fragment of the Fasti is preserved on stone.

The conduct of Appius is not much more intelligibly related to us than his birth. The hereditary politics of his family are of the extreme patrician cast, his disposition moreover is supposed to be haughty and daring; yet when he has been elected consul, he suddenly deserts his party, and by supporting the plebeians,

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intercede for his nephew's life. C. Claudius, qui, perosus decemvirorum scelera, et ante omnes *fratris filii* superbiæ infestus. He is described on the same occasion as 'magno jam natu.' Dionysius also, in several places, expressly calls C. Claudius the uncle of the decemvir (xi. 7, 15, 49; and in c. 9, θεῖος πρὸς πατρὸς); he designates the decemvir's father as the brother of C. Claudius, ib. c. 14; and he describes C. Claudius as complaining in the Senate, that notwithstanding his relationship, he had been driven away from the decemvir's house more than once by his sons, when he (C. Claudius) came to give him advice. He represents C. Claudius as one of the aged members of the Senate, ib. c. 7, 15, and makes him address the decemvir as Ἄππιε τέκνον, c. 13. The same C. Claudius who was consul in 460 B.C., is called 'Appii filius' by Livy, iii. 15. Niebuhr also cites, in confirmation of the Fasti, the statement in Livy, iv. 48, that the Appius Claudius there mentioned was the *nepos decemviri*, and the first Appius his *proavus*. He says that this statement was preserved from 'old annals.' But it seems probable that it ought not to be construed in a manner inconsistent with the other accounts of this lineage in Livy. Livy calls Appius Claudius Crassus, who was consular tribune in 424 B.C., the 'filius decemviri;' iv. 35, 36. This person is recorded as a consular tribune by Diod. xii. 82, under the name of Τίτος Κλαύδιος. In 416 B.C., Livy mentions 'Ap. Claudius, nepos ejus, qui decemvir legibus scribendis fuerat, minimus natu ex patrum concilio,' iv. 48; afterwards he is called 'juvenis.' This one must be the same as Appius Claudius Crassus, military tribune in 403 B.C.; Livy, v. 1. He is recorded as Ἄππιος Κλαύδιος by Diod. xiv. 35. It will be observed that Dionysius speaks of the decemvir as having had sons past the age of childhood in 449 B.C. (xi. 7). If we suppose that the eldest son of the decemvir was born about 465 B.C., he might very well have been a consular tribune in 424 B.C., and his son again might have been born about 437 B.C., which would make him 21 years old in 416 B.C., and 34 years old in 403 B.C. He might likewise have addressed the Senate at the age of 69, in 368 B.C. See Livy, vi. 40, where he is called 'Ap. Claudius Crassus, nepos decemviri.' The word *proavus*, in Livy, iv. 48, must not be construed strictly; he may either have used it inadvertently, or have understood it as equivalent to *abavus*. See the note of Ruperti ad loc., and Livy, xxxiv. 58, where Seleucus is called the *proavus* of Antiochus the Great. The Appius Claudius Crassus, who dies in his consulate in 349 B.C. (Livy, vii. 24-5), and who had been dictator in 362 B.C., (Livy, vii. 6) is designated on the Capitoline Fasti as *Publii filius*. He appears to belong to a generation after the grandson of the decemvir.

enables them to obtain the appointment of decemvirs with unlimited powers for the preparation of a code. He is himself elected one of this decemviral body, and his influence over his colleagues is paramount. Their power is exercised with remarkable moderation; the people are treated with equity and mildness; a code of just and beneficent laws, contained in ten tables, is drawn up by them, is submitted to general criticism, and, after having been amended so as to satisfy the suggestions of the public,(181) is adopted by a solemn vote of the popular assembly. The decemvirs consider that their task has now been accomplished; and they are about to hold the comitia for the election of consuls, and the other constitutional magistrates, when suddenly an idea gets abroad that the code of the ten tables is incomplete, and that some supplements to it are needed.(182) We are not informed what the deficiencies of the original code were, or why they were not supplied when the drafts of the laws were submitted to public criticism, and underwent amendment: but the Senate and the plebs, with one accord, agree to forego their consuls, their tribunes, and other annual officers, and to re-elect a board of irresponsible de-

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(181) Niebuhr, Hist. vol. ii. n. 718, describes the practice of amending bills, or drafts of laws, when they are under discussion by legislative bodies, as having originated with the constituent assembly of France; and he adds: 'England, by the political good sense that still prevails there, has been kept free from this strange notion of attaining to a high degree of perfection by means of an aggregate of wisdom. I remember only one instance, where a bill, which originated in the Upper House, was amended by sundry officious hands; but it turned out a complete abortion, which the next session committed to the grave.' The compliment (if it be a compliment) which Niebuhr here pays to this country is quite undeserved. The practice of amending bills in a committee of the House is at least as old as the reign of Charles I. See the curious account of the discussions on Sir Edward Dering's bill for the extirpation of episcopacy in 1641, by the House of Commons, in a committee of the whole house, and of the amendments made in it; Hist. of the Rebellion, vol. i. p. 482, ed. 1826.

(182) 'The statement that a second set of decemvirs was appointed because two tables were yet wanting, is foolish.' Niebuhr, Lect. vol. i. p. 203. According to Pomponius, Dig. i. 2, 2, § 2, the decemvirs themselves perceived that something was wanting to the ten tables, and therefore added two tables in a second year. Machiavel supposes that Appius himself set the rumour in circulation: 'Fece in su questo Appio nascere un romore per Roma,' &c.; Disc. i. 40.

cemvirs, for another year, who are to exercise all the functions of government, as well as to make the desired additions to the code. The day of election is now at hand: according to one historian, Appius stands aloof, simulates indifference, and only consents reluctantly to the urgent entreaties of all classes of persons that he will allow himself to be put in nomination as a candidate. According to the other, he not only instantly declares himself a candidate for the office, but he displays the utmost activity and eagerness in courting the plebeians, and resorts to the lowest arts of a popular canvasser in order to secure his re-election. Both however agree in saying that he succeeded in procuring the choice of a body of persons devoted to himself. Notwithstanding his popular demeanour in the previous year; notwithstanding the moderation of his former rule, and the equity of the code which had been prepared under his auspices, he loses no time in corrupting his new colleagues. He instructs them as to the manner in which they are to perpetuate their power, and to become dictators for life: he converts them into a band of oligarchical conspirators against the public, bound together, we are told, by a secret oath;(183) and on the very day of their instalment in their office, they appear in the forum, each attended by twelve lictors, with the axes and rods, ostentatiously parading the symbols of their absolute power, and suggesting to the terrified citizens that there were now ten Tarquins instead of one to domineer over the free community. From this moment the whole character of the government is changed; the additions to the ten tables become a secondary object, and the decemvirs are mainly occupied with the exercise of tyrannical power. Their oppression reaches both high and

(183) πρῶτον μὲν ὅρκια τεμόντες ἀπόρρητα τῷ πλήθει συνθήκας σφίσιν αὐτοῖς ἔθεντο περὶ μηθένος ἀλλήλοις ἐναντιοῦσθαι, &c. Dion. Hal. x. 59. Afterwards, in the debate in the senate, L. Valerius calls the power of the second decemvirs a συνωμοσία, xi. 4; and C. Claudius speaks of their ὁμολογίαι καὶ πίστεις ἀπόρρητοι, ib. 11. Livy says: 'opinio etiam sine auctore exierat, non in præsentis modo temporis eos injuriam conspirasse, sed fœdus clandestinum inter ipsos jurejurando ictum, ne comitia haberent, perpetuoque decemviratu possessum semel obtinerent imperium,' iii. 26.

low—no man's life or property, no woman's honour is safe; a reign of terror succeeds: the decemvirs are described to us as a sort of Committee of Public Safety, ruling by fear, and making confiscation and death their engines of government: they bribe a set of the younger patricians, by gifts of forfeited property, to be their satellites;(184) but though their tyranny may fall with greater weight on the weak than on the strong, it is equally hateful to the leading patricians and to the plebeian order. Appius having, for the first year of his decemvirate, from the ides of May, 451, to the ides of May, 450 B.C., been a Solon or a Pericles, suddenly becomes a Critias or a Dionysius; having been a Turgot for the first year of his power, for the two next years he is a Robespierre or a Danton. Livy indeed explains the conduct of Appius by supposing that the moderation of his first year was merely politic; that he was during that time playing a part in order to entrap the people.(185) But this hypothesis does not

(184) Both historians mention the youth of the satellites of the decemvirs: 'Patriciis juvenibus sepserant latera: eorum catervæ tribunalia obsederant.'—'Hâc mercede juventus nobilis corrupta;' Livy, iii. 37. 'Appius—cum agmine patriciorum juvenum per turbam vadens;' ib. c. 49. Afterwards, when notice of trial has been given by Virginius to Appius, he comes into the forum, 'stipatus patriciis juvenibus;' c. 56. Dionysius, x. 60, says of the decemvirs: ἑταιρείαν ἕκαστοι συνῆγον, ἐπιλεγόμενοι τοὺς θρασυτάτους τῶν νέων, καὶ σφίσιν αὐτοῖς ἐπιτηδειοτάτους. In xi. 2, the ἀκόλαστοι τῶν νέων are described as the agents of the decemvirs. In like manner, Xenophon describes Critias as stationing bold young men round the Senate-house with daggers concealed about their persons, on the day on which the attempt is made on Theramenes; Hellen. ii. 3, 23. Machiavel thinks that the patrician youth were corrupted by Appius; Disc. i. 42.

(185) Ille finis Appio alienæ personæ ferendæ fuit: suo jam inde vivere ingenio cœpit, novosque collegas jam prius, quam inirent magistratum, in suos mores formare; iii. 36. Machiavel, in criticizing the conduct of Appius, remarks that he made too sudden a change from one character to another. Appius, he says, did well in the means which he used for deceiving the people; for renewing his power; for establishing himself against the nobles, and for bending his colleagues to his own purposes; but he ought not to have changed his conduct so suddenly that everybody could see his hypocrisy. 'A man (says Machiavel) who has appeared good for a time, and wishes, for his own objects, to become wicked, must do it by the proper means, and so as to be led to it by circumstances, in order that before his change has deprived him of the support of one set of persons, he may acquire the support of another set, and that thus his power may remain undiminished: otherwise, being detected, and destitute of friends, his ruin is certain;' (Disc. i. 41) These remarks prove the impolicy of the

explain why he laid down his office at the end of the year, and why, being already virtual dictator, and holding the chief power in his hands, he voluntarily resigned it, and trusted to the chances of a personal canvas, in which he is stated by Livy to have had recourse to all sorts of personal humiliation, and of which the event, as of any other popular election, must have been uncertain. It may be observed, as a singular variation in the accounts, that Diodorus represents the Appius of the second decemvirate as a different person from the Appius of the first decemvirate: he calls the first Publius Claudius, and the second Appius Claudius.(186) The description of the decemvirate of Appius, as it is given by the classical writers, may be historical; there may have been circumstances not recorded, which, if we knew them, would explain the apparent inconsistencies: but that these inconsistencies do exist in the extant account cannot be disputed; and they cannot, without violence to the laws of historical evidence, be removed by arbitrarily selecting some parts of the narrative, and rejecting others, or by gratuitously fabricating other facts, and interweaving them with the traditionary narrative.

If it is difficult to understand the conduct of Appius, as related in this story, it is still more difficult to understand the position of the decemviral government, and the basis of its power. Livy and Dionysius agree in describing the plan for the formation of a code, the temporary suspension of the regular magistrates, and the appointment of ten dictatorial lawgivers, as originating with the plebeians, as promoted by their organs, as first opposed, and afterwards reluctantly conceded, by the patricians. They likewise agree in saying that the decemvirate was renewed for a second year, after a year's experience of its operation, by the general consent of the citizens. So far it resembles the Æsymneteia of the Greeks, and the dictatorship of

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course attributed by Livy to Appius; but they do not explain why, having resolved to make this sudden change, he voluntarily resigned his office, and exposed himself to the chance of not recovering it.

(186) Diod. xii. 23-4.

the Romans; an elective despotism, instituted for a limited time and an extraordinary purpose,(187) but with the powers, in this instance, distributed among ten. It is a government resting upon the voluntary submission of the people; who believe that an autocracy is necessary for the accomplishment of an object which they, at the moment, hold to be of paramount importance.(188) Now it is quite conceivable that a person may rise to power by fair means; and may retain it by foul means. He may make himself dictator by inspiring confidence in the people; but, having once obtained his dictatorship, he may rule by fear, and repress resistance by force. Most of the Greek despots, according to Aristotle, rose from the position of demagogues, having abused the confidence which had been reposed in them by the people.(189) Some of these persons may have been mere dissemblers, and may have deceived their followers by insincere professions: others may have really been friends to the popular cause, but may have been corrupted and intoxicated by the possession of power. But whatever might be the origin of their power, they must, before they changed the character of their government—before they threw off the mask, and set the people at defiance—have taken effectual means for founding their empire upon force. This object was in antiquity more easily accomplished than in modern times; though even in modern times it seems not to be very difficult of attainment. A despot who got possession of the public treasury, who hired a guard of mercenaries for the protection of his person, who oc-

(187) Theophrastus ap. Dion. Hal. v. 73, says of the Greek Æsymnetæ: *ῥοῦντο δ' αὐτοὺς αἱ πόλεις οὔτ' εἰς ἀόριστον χρόνον οὔτε συνεχῶς, ἀλλὰ πρὸς τοὺς καιροὺς, ὁπότε δόξειε συμφέρειν, καὶ εἰς πόσον χρόνον.* So Aristotle, Pol. iii. 14, says of the Æsymnetæ: *ἦρχον δ' οἱ μὲν διὰ βίου τὴν ἀρχὴν ταύτην, οἱ δὲ μέχρι τινῶν ὡρισμένων χρόνων ἢ πράξεων.* This description of election for a limited time and purpose exactly suits the decemvirs. Aristotle, ib. c. 15, remarks that when the ancient Greeks elected an Æsymnetes, they gave him a bodyguard which was sufficient to protect his person against individual attacks, but was not sufficient to maintain him against the entire community.

(188) See the reason for the renewal of an *ἀρχὴ αὐτοκράτωρ*, stated in Dion. Hal. x. 58.

(189) Pol. v. 5 and 10.

cupied the acropolis and other strong places in his city, and who disarmed the citizens, was master of the community; and before the use of gunpowder, the chances of success in favour of defence and against attack were greater than they are at present.(190) But it was necessary that he should adopt these means; and if he failed or neglected to use them, he would infallibly be deposed by his fellow citizens.(191) Now we are not informed that Appius and his colleagues resorted to any such measures for securing their power, at the critical moment of transition from the first to the second decemvirate. We hear that they alienated both patricians and plebeians; that they governed by force; that they established a reign of terror; that large numbers of the principal citizens abandoned the city, and took refuge from the severity of the decemviral rule in the country;(192) and that all classes united in wishing to put an end to their tyranny. But we hear of no instruments of their power, except a few clubs or associations, of young patricians, who are paid for their services by forfeited property. The Senate are convened by the decemvirs at the alarm of invasion, in order that they may make provision for the defence of the Roman territory. The decemvirs have no armed force of their own, and are compelled to come to the Senate for authority to levy troops, as an English Minister

(190) See Machiavel, Disc. ii. 17.

(191) The effectual means which Dionysius used for making himself master of the Syracusans—first by fraudulently obtaining a vote of a popular assembly for a bodyguard, and afterwards by giving it a powerful organization—afford an example of the process in question, and likewise offer a striking contrast to the conduct of Appius. See Grote's History of Greece, vol. x. p. 613-8, 630. Compare Dion. Hal. vii. 6-9.

(192) Patrum haud fere quisquam in foro, in urbe rari erant; indignitate rerum cesserant in agros; suarumque rerum erant, amissâ publicâ: tantum ab injuriâ se abesse reti, quantum a cœtu congressuque *impotentium dominorum* se amovissent; Livy, iii. 38. Both historians describe the difficulty of collecting the senators to make a meeting of the senate. Livy thus characterizes the feeling of the patricians towards the second decemvirs in their first year, as well as to the plebs: Primores patrum odisse decemviros, odisse plebem; nec probare, quæ fierent; et credere, haud indignis accidere. Avide ruendo ad libertatem in servitutem elapsos juvare nolle; cumulare quoque injurias, ut tædio præsentium consules duo tandem et status pristinus rerum in desiderium veniant; iii. 37. In the second year he describes them as 'destituti inter patrum et plebis odia;' c. 38.

comes to the House of Commons for a vote of money for army and navy estimates at the commencement of a war. Valerius warns the Senate against the danger of allowing the decemvirs to get possession of arms, by a vote for a levy of troops:(193) and when the vote has been obtained, the decemvirs are described as having established their power, by their mastery of the armed force.(194) This power however consisted in calling their armed enemies into activity, in giving them a military organization, and collecting them into a camp. The plebeians formed the strength of the legions, and the plebeians were now thoroughly alienated from the decemviral government. The measure which was to strengthen the decemvirs, by giving them the command of an armed force, is described to us as the immediate cause of their downfall: for it is the insurrection of the two armies, their subsequent march to Rome, and their junction into one body, which put down the decemviral body, without any conflict or resistance, and with an overwhelming force. Nor was it only the plebeians who had both the will and the power to put down the decemvirs. When the Senate meet, it appears to consist of three parties: Firstly, the decemvirs themselves, and a few persons immediately connected with them; secondly, their open and declared enemies; and thirdly, their secret enemies.(195) C. Claudius, the uncle of the great decemvir, a man of high patrician sentiments, and an asserter of the hereditary principles of his family,(196) comes forward at the head of the opposition to the decemviral government. He denounces their usurpation, he shows how they are hated by all classes of the people, he says that the

(193) ἐὰν γὰρ ἅπαξ ὅπλων οἱ δέκα γένωνται κύριοι τῇδε τῇ προφάσει τοῦ πολέμου, δέδοικα μὴ κᾀθ' ἡμῶν αὐτοῖς χρήσωνται, Dion. Hal. xi. 20.

(194) Ib. xi. 22.

(195) See Dion. Hal. xi. 6, where the decemvirs are described as wishing to silence Valerius by force, and to throw him down the Tarpeian rock, for his freedom of speech, but all the Senate exclaim against them (ἐφ' ᾧ πάντες ἀνέκραγον), and Appius gives way. Afterwards it is said: ἦν γάρ τι καὶ κατεπτηχὸς τὴν ἐξουσίαν οὐκ ἐλάχιστον μέρος τῶν συνέδρων, ib. c. 18.

(196) In Dion. Hal. xi. 55, he is described as ἥκιστα δημοτικὸς ὤν, καὶ ταύτην διαδεδεγμένος ἐκ προγόνων τὴν αἵρεσιν τῆς πολιτείας. It should be observed that he is the son of the first Appius, and therefore that his πρόγονοι, so far as Rome is concerned, reduce themselves to one. Compare Livy, iii. 63; iv. 6.

soldiers will not fight for them, but will allow themselves to be defeated, in order that they may not give a triumph to leaders whom they detest;(197) and he exhorts Appius to abdicate his office, and to allow the immediate election of the constitutional magistrates. Appius will not indeed vouchsafe an answer to his uncle's earnest and patriotic appeal, but Quinctius Cincinnatus, Quinctius Capitolinus, and all the other leading senators, are described as assenting to his views.(198) Throughout the debate it is repeatedly asserted that the decemviral rule is equally odious to patricians and plebeians.(199) After the meeting of the Senate, C. Claudius leaves the city at the head of a large body of seceders: while Valerius and Horatius fortify their houses, and arm their slaves and clients.(200) Nowhere is there any appearance of a strong hand to coerce opponents; and yet nearly the whole community seem to be their bitter enemies. On one side there is both the will and the power to do harm; on the other there is only provocation and weakness: yet the strong majority submit passively to the usurpation of a few men, who have not the means either of attack or defence. Dionysius attempts to account for the forbearance of the community, by the mutual hatred of the patricians and plebeians; which, he says, made each party rejoice in the oppression exercised upon the other.(201) But the tyranny which fell upon either party was too severe to make them forget their own sufferings in the

(197) On the reluctance of the soldiers to fight for the decemvirs, see Machiavel, Disc. i. 43.

(198) Dion. Hal. xi. 15; Livy, iii. 35, says that Appius by intrigue excluded Cincinnatus, Capitolinus, and C. Claudius from the second decemvirate. This agrees with the account of Dionysius that they were hostile to Appius.

(199) Dion. Hal. xi. 7, 9, 10. In x. 60, the decemvirs are spoken of as *βουλὴν μὲν ἢ δῆμον ἐν οὐδεμιᾷ μερίδι τιθέμενοι.*

(200) Dion. Hal. xi. 22.

(201) Ib. Machiavel accounts for the establishment of the decemvirate by saying that the Senate and plebs were each blinded by an excessive desire, the one to destroy the tribunes, the other the consuls. And he quotes a saying of King Ferdinand, that men are often like the smaller birds of prey, which are sometimes so eager in pursuit of their own quarry, that they do not perceive another larger bird which is ready to pounce upon them; Disc. i. 40.

sufferings of their political enemies: the bitterest foes, as Aristotle long ago remarked, are drawn together by a common fear;(202) and the fear common to both patricians and plebeians was now of the most active and pressing kind. Either party, however, by itself, and without the assistance of the other, seems to have been strong enough to put down the decemvirs.

If an usurper in an ancient republic had not at home sufficient resources of his own to establish his power; if he could not make himself dreaded by one of the recognised engines of despotic rule; he might rely on external aid. A republic might, at the end of an unsuccessful war, be in the power of a foreign state, which maintained a few citizens at the head of affairs, in order that they might enslave their countrymen, and keep them in subjection. Such was the situation of Athens at the end of the Peloponnesian war, and the Thirty, who were appointed as lawgivers for Athens,(203) and whose office closely resembled in its designation that of the decemvirs, were established and maintained in power by the influence of Sparta.(204) Critias and Theramenes were in substance Lacedæmonian satraps, though by birth Athenian citizens. Now if Rome in 450 B.C. had been in the situation of Rome in 508 B.C., when it is said to have been at the mercy of Porsena; or of Rome in 488 B.C. when it is said to have been at the mercy of Coriolanus; or if the Sabines, the Volscians, the Æquians, the Etruscans, or other of its enemies, singly or combined, had subjected its armies to important reverses, and had established such an ascendency over it as to be able to keep a set of men at the head of affairs, who were the foes of their own country, and the instruments of a foreign state; it is quite conceivable that such a government as that of Appius and his colleagues might have been maintained for a

(202) *συνάγει γὰρ καὶ τοὺς ἐχθίστους ὁ κοινὸς φόβος*, Aristot. Pol. v. 5.

(203) The decree by which the Thirty were appointed began with the following words: *Ἔδοξε τῷ δήμῳ τριάκοντα ἄνδρας ἑλέσθαι, οἳ τοὺς πατρίους νόμους ξυγγράψουσι καθ' οὓς πολιτεύσουσι*, Xen. Hell. ii. 3, § 2. They were 'triginta viri legibus scribendis.'

(204) See the lively account of Lysias, cont. Eratosth. § 72-9, ed. Bekker, where the Lacedæmonian interference is clearly displayed.

time. The people would have submitted to the oppression of their domestic tyrants, for fear of provoking still worse treatment from their foreign masters. It is on this principle that the Romans now submit to the Pope, who has become a French viceroy; and that the Tuscans and Neapolitans submit to their respective princes, who are Austrian viceroys. But no such explanation applies to the case of the decemviral government. Rome had indeed been wasted by a pestilence in 453 B.C.; but there had been some years of peace, which had been preceded by military successes. So far is there from being any concert between the decemvirs and the enemies of their country, that it is the civil discord which brings the Sabines and the Æquians into the field, and they seek to profit by the dissensions of the Romans, not to put an end to them by assisting the decemvirs to coerce their fellow citizens into submission. There is nothing in the foreign relations of Rome at this time which serves at all to account for the continuance of the second decemvirate into a second year.(205) There is no triumphant enemy; there is no body of exiles, who are restored to their country, under hostile auspices, armed with power, and eager to satiate their thirst for vengeance. A comparison of the transactions at Athens after the capture of the town by Lysander—a period less than fifty years after the decemvirate, but recorded by contemporary historians —will illustrate by its contrast the wide difference between the position and conduct of the Thirty at Athens and the decemvirs at Rome. Both sets of rulers are cruel and unscrupulous: but the tyrants of Athens are imposed by a victorious enemy upon a helpless community, and having been instituted into their offices by the personal dictation of the foreign general, they lose no

(205) Machiavel remarks that if a tyrant has not many friends at home, and is not supported by domestic forces, he must look for support from abroad. This may be of three sorts: 1. A foreign bodyguard. 2. The arming of the contado. 3. Alliances with powerful neighbours. Appius did not, or could not; adopt any one of these three measures; and therefore, having no interna, support, he speedily fell; Disc. i. 40. It is easy to account for the fall of Appius; the difficulty is to account for his rise, and for his maintaining himself for more than a year in power.

time in taking effectual measures for arming their own adherents and disarming all the rest of the citizens.(206) The decemvirs are able, like the Athenian tyrants, to put to death and confiscate at their pleasure: but their power is not founded on foreign interference, nor is it maintained by the possession of a domestic armed force. There are all the results, but none of the supports, of tyranny. The effects are produced, but the cause is wanting: there is the superstructure, without the foundation.

Let us now look at the causes immediately assigned for the overthrow of the decemvirs. These are the murder of Siccius, and the attempt upon Virginia. Dionysius regards them as the occasions, rather than the operative agencies, by which the change of government is brought about: as the sparks which fired a train already laid.(207) Viewed in this light, they serve to illustrate the sagacious observation of Aristotle, that revolutions spring out of small events, but turn upon important interests.(208) The murder of Siccius has in itself nothing improbable, if we suppose that the decemviral generals in the camp of Fidenæ had a set of assassins in their service, in the midst of an army composed of plebeians, who were hostile to their government: but there is no apparent adequate motive for the removal of Siccius, when other more dangerous persons were

(206) Compare the interesting and detailed account of the government of the Thirty, in Grote's History of Greece, vol. viii. p. 312-351. This narrative, in which all the events are accounted for by natural and adequate motives, and the existence of the violent government of the Thirty is completely explained by the antecedent circumstances, offers a striking contrast to the tissue of improbabilities which constitutes the decemviral story.

(207) ποιήσομαι δὲ τὸν περὶ αὐτῶν λόγον, οὐκ ἀπὸ τῶν τελευταίων ἀρξάμενος, ἃ δοκεῖ τοῖς πολλοῖς αἴτια γενέσθαι μόνα τῆς ἐλευθερίας, λέγω δὴ τῶν περὶ τὴν πάρθενον ἁμαρτηθέντων Ἀππίῳ, διὰ τὸν ἔρωτα· προσθήκη γὰρ αὕτη γε, καὶ τελευταία τῆς ὀργῆς τῶν δημοτῶν αἰτία, μυρίων τῶν ἄλλων προηγησαμένων. Dion. Hal. xi. 1. In c. 22, he calls the murder of Siccius and the attempt on Virginia the ἁμαρτήματα τελευταῖα of the decemvirs, which led to their downfall. Livy, iii. 43, alludes to the same two events as follows: 'ad clades ab hostibus acceptas duo nefanda facinora decemviri belli domique adjiciunt.' He afterwards compares the act of Appius with that of Sextus Tarquin, and adds: 'ut non finis solum idem decemviris, qui regibus, sed caussa etiam eadem amittendi imperii esset;' c. 44.

(208) γίγνονται μὲν οὖν αἱ στάσεις οὐ περὶ μικρῶν ἀλλ' ἐκ μικρῶν, στασιάζουσι δὲ περὶ μεγάλων, Pol. v. 4.

left unharmed; and the story has a remarkable resemblance to a former story relating to the same person; with this important difference, indeed, that the treachery of the former general was unsuccessful.(209)

With regard to the story of Virginia, the first remark which naturally suggests itself is, that if the power of Appius under the second decemvirate had been such as it is described by our historians: if neither the life nor the property of any plebeian was safe; if confiscation of goods, rapes of married and unmarried women, violences to youths, beatings of freemen, expulsions from the city, were the order of the day;(210) if Rome exhibited the spectacle of a town taken in war, and sacked by a ruthless conqueror; if this open contempt of law, if this Oriental licence of oppression, prevailed, it is difficult to understand why Appius should have resorted to the circuitous method of a false witness, a mock trial, and an unjust judgment in public, in order to gain possession of a plebeian girl of fifteen. If so many deeds of open violence to women had been committed with impunity by the satellites of the tyranny, it is difficult to understand why the

(209) Above, p. 187-192.

(210) *τοῖς θρασυτάτοις τῶν νέων, οὓς εἶχον ἕκαστοι περὶ αὑτοὺς, ἔφηκαν ἄγειν καὶ φέρειν τὰ τῶν ἐναντιουμένων τῇ πολιτείᾳ. οἱ δ', ὥσπερ ἀλούσης πολέμῳ κατὰ κράτος τῆς πατρίδος, οὐ τὰ χρήματα μόνον ἀφῃροῦντο τοὺς νόμῳ κτησαμένους, ἀλλὰ καὶ εἰς τὰς γαμετὰς τὰς εὐμόρφους παρηνόμουν, καὶ εἰς θυγατέρας ἐπιγάμους καθύβριζον, καὶ πληγὰς τοῖς ἀγανακτοῦσιν, ὥσπερ ἀνδραπόδοις, ἐδίδοσαν,* Dion Hal. xi. 2. Lower down, C. Claudius, addressing the decemvirs, before the case of Virginia, says of the middle class of citizens: *χρημάτων ἀδίκους ἁρπαγὰς ἐγκαλοῦσιν ὑμῖν, καὶ προπηλακισμοὺς εἰς γαμετὰς ὀδύρονται γυναῖκας, καὶ παροινίας εἰς θυγατέρας ἐπιγάμους, καὶ ἄλλας ὕβρεις πολλὰς καὶ χαλεπάς,* c. 10. Virginius afterwards expatiates in the camp on the enormities of the decemvirs, among which he enumerates *γυναικῶν ὕβρεις, καὶ παρθένων ἐπιγάμων ἁρπαγὰς, καὶ παίδων ἐλευθέρων προπηλακισμούς,* c. 40. Livy gives a similar account of a reign of terror, though he does not specially mention the violence to women: 'Aliquandiu æquatus inter omnes terror fuit; paullatim totus vertere in plebem cœpit. Abstinebatur a patribus; in humiliores libidinose crudeliterque consulebatur;' c. 36. 'Hi [patricii juvenes] ferre, agere plebem plebisque res—et jam ne tergo quidem abstinebatur: virgis cædi, alii securi subjici; et, ne gratuita crudelitas esset, bonorum donatio sequi domini supplicium;' ib. c. 37. On the other hand, Livy represents the consul Valerius, in the first campaign after the decemvirate, thus exhorting his soldiers: 'Unam Virginiam fuisse, cujus pudicitiæ in pace periculum esset; unum Appium civem periculosæ libidinis; at si fortuna belli inclinet, omnium liberis ab tot millibus hostium periculum fore;' iii. 61. This argument implies that no such system of violating women as that described by Dionysius existed under the decemvirate.

chief tyrant should find it necessary to have recourse to stratagem and fraud. By the course which he adopts, he exposes himself to impassioned remonstrance, and even to the resistance of the bystanders; he is compelled, by the fear of provoking the people, to withdraw his judgment on the first day, and to allow Virginia to remain in the hands of her family until a more formal hearing of the case can be had. Why did he not murder Virginius, who was in the camp at Algidus, as he had murdered Siccius in the camp at Fidenæ? Why were not Numitorius and Icilius driven out of the city, or made fast in a dungeon? Deprived of her natural protectors, Virginia would have been at the mercy of the powerful decemvir. The deference which Appius pays to forms of law, the publicity of the trial, the permission accorded to the defenders of Virginia to argue in her behalf, and to protest against the unjust judgment; the revocation of the first decree after it has been publicly pronounced, and the postponement of the final sentence until the second day, all appear to be inconsistent with the despotic character of his rule, and with the general course of government attributed to him:(211) a proceeding more like that of a Turkish pasha, who wished to add the fair daughter of a Greek rayah to his harem, might have been expected; or if there was a trial, a judicial inquiry as summary as would now take place before a Neapolitan military commission, in the case of a prisoner charged with a state offence.

The attitude and language of Virginius when he stabs his daughter, and his rapid ride to the camp, where he brandishes the fatal knife in the presence of his fellow-soldiers, and appears before them stained with the blood of the victim of the decemvir's lust—are circumstances, as they are related to us, romantic,

(211) The interpretation of *vindiciæ* in Livy, supported by Niebuhr and Dr. Arnold, and the supposition that the decision of Appius against the liberty of Virginia was not final, increase the improbability of the story. All strict observance of legal forms, and all delays of justice, are unsuited to the occasion and the person. See above, p. 209, n. 127, where this hypothesis is stated and examined.

and not very probable.(212) What is however most material for us to remark, is the minute and detailed character of the narrative from the first seizure of Virginius by M. Claudius, to the insurrection of the army, and their march to the Aventine. The circumstances are related by both our historians(213) with the minuteness of a memoir writer, who, if not an eye-witness of the transactions, was present in Rome at the time, and collected his information from persons who had seen and heard all that passed. If we suppose the extant accounts to have this origin, it then becomes important to note such discrepancies as the statement of Dionysius that Virginia had a full trial, with witnesses examined in her defence, on the second day; whereas Livy says that Appius would hear neither party: and the statement of Livy that he could not ascertain the reasons really assigned by Appius for his judgment; whereas Dionysius says that he rested it upon his own personal knowledge of the fact that Virginia was the child of the slave-woman of M. Claudius. Such discre-

(212) Levesque, Hist. Crit. de la Rep. Rom. tom. i. p. 185-6, thinks it an improbable circumstance in the story that a young plebeian girl should be represented as frequenting a school, at a time when writing was rare. We are not told that she was taught to write: she might only have learnt to read. Attendance on a public school seems better suited to a plebeian than to a patrician girl; the latter would probably receive her instruction at home. Virginius is a respectable citizen of the middle class; Livy says of him: 'honestum ordinem in Algido ducebat, vir exempli recti domi militiæque.' Diodorus describes Appius as *ἐρασθεὶς εὐγενοῦς παρθένου πενιχρᾶς*, xii. 24. In the lately discovered fragments of the 12th book of Dionysius, Mælius is described, when pursued by the knights, as running into a butcher's shop, and seizing a butcher's knife, with which he defends himself: *καταλαμβανόμενος δὲ ὑπὸ τῶν ἱππέων εἰς ἐργαστήριον εἰστρέχει μαγειρικὸν, καὶ κοπίδα τῶν κρεοκόπων ἁρπάσας παίει τὸν πρῶτον αὐτῷ προσελθόντα*, Fragm. Hist. Gr. vol. ii. p. xxxv. ed. Didot. The expression, *ἐργαστήριον μαγειρικὸν*, is also used by Dionysius in xi. 37. A patrician Virginia is mentioned in Livy, x. 23.

(213) *ἀφικνεῖται περὶ λύχνων ἀφὰς ἐπὶ τὸν πρὸς Ἀλγίδῳ χάρακα, τοιοῦτος οἷος ἐκ τῆς πόλεως ἐξέδραμεν, αἵματι πεφυρμένος ἅπας, καὶ τὴν μαγειρικὴν μάχαιραν διὰ χειρὸς ἔχων.* Dion. Hal. xi. 40. Strictum etiam telum, respersusque ipse cruore, tota in se castra convertit; Livy, iii. 50. Pomponius says: 'Recens a cæde, madensque adhuc filiæ cruore, ad commilitones confugit;' Dig. i. 2, 2, § 24. The distance of Algidus from Rome is above twenty miles. Distance however in this story, as in the account of the nocturnal ride of S. Tarquin and his friends from Gabii to Rome, seems to be of no account. See above, vol. i. p. 516, n. 132. It will be observed that Dionysius marks the precise time of the day at which Virginius reaches the camp; viz., at nightfall.

pancies as these are greater than the discrepancy with respect to the execution of the Marquis of Argyle in the year 1661, which is cited by Paley as an instance of a disagreement of testimony in modern history. In this case the Scotch authorities concur in the account that he was executed by decapitation, and that the sentence was carried into effect forty-eight hours after his trial, whereas Lord Clarendon says that he was hanged on the day of his trial.(214) In the modern instance, moreover, we know the names of the witnesses, and can estimate their means of information. Hence we are able to judge of the comparative weight of their testimony; and thus to perceive that the native witnesses reported the facts correctly; but that Lord Clarendon, writing at a distance both in space and time, committed an error. In the conflicting accounts of the trial of Virginia, however, we have no such means of judgment. We do not know who the witnesses for these respective stories are; we are not informed whether they, or either of them, lived at or near the time; or, if they lived long after the time, who first composed these detailed narratives; and we have no means of estimating the comparative weight of their testimony.

Our difficulties however do not end here; for not only are we unable to discover whether the authors of this story lived at or near the time, but all our accounts lead to the conclusion that they must have lived long after the time. We know that the earliest native historians were as late as the Second Punic War; Livy tells us, moreover, that writing was little practised before the burning of the city, and that the few memorials which existed in public or private repositories at that time perished for the most part in the conflagration. We may suppose that the names of the two sets of decemvirs were preserved in contemporary official registers; we may perhaps make the same supposition respecting the three commissioners to Athens, and the three ambassadors sent by the Senate to treat with the army

(214) See the author's Treatise on Methods of Observation and Reasoning in Politics; vol. i. p. 321.

on the Aventine.(215) Some other facts of a similar nature may have been recorded by the pontifical scribes, and preserved in the state annals. But between such dry notices as these, and the narrative of the fall of the decemvirate, as it is presented by our historians, the interval is as wide as that between a bare skeleton and a body of flesh and blood. Taking the facts respecting the early Roman history as they are known to us, we must either suppose that Fabius Pictor and some of his successors were gifted with historical second-sight, or that the account of the trial of Virginia and the overthrow of the decemvirs is rather a historical romance than a history. If we could suppose that Herodotus, who migrated to Thurii in 443 B.C., only a few years after the decemvirate, had afterwards perambulated the Italian states, and had extended his travels to Rome; that, struck by the military efficiency of the people, or by the peculiarities of their political institutions, he had inquired into their recent history, and had caused the barbarous language of his informant to be interpreted into his own Hellenic tongue; and that he had been told a story of a revolution, fresh in the recollections and thoughts of the people, brought about by a tyrant who had driven a father to take away the life of his own daughter in order to save her honour; he might perhaps have been tempted to add another episode to his immortal history, in order to celebrate this striking event. Had the story been recorded under such circumstances by Herodotus, we should believe it, with the same well-grounded assurance of its truth as that which we have for believing his accounts of the battles of Thermopylæ and Platæa. Or even if Plato, in one of his three visits to Sicily (all of which were after the burning of the city),(216) had extended his travels to Cumæ, and had afterwards journeyed on to see the town near the great sea which rumour reported to have been recently taken by an army from the Hyperboreans,(217) he might

(215) Livy, iii. 50.

(216) Plato's first visit to Sicily was in 389 B.C. See Clinton, ad Ann.

(217) Plut. Cam. 22. Heraclides Ponticus was a disciple of Plato, and is said to have taken charge of his school during one of his visits to Sicily. Diog. Laert. v. § 86. Suidas in Ἡρακλείδης. See above, vol. i. p. 59.

still, at a distance of little more than half a century, have collected trustworthy accounts of the decemviral legislation, and of the causes by which the Ten lawgivers were deposed, after having completed their code; and if he had introduced a narrative of these events in his Dialogue of *Laws*, in illustration of his subject, we should have an account resting on credible authority, though not coming from a professed historian. But how historians who lived more than two centuries after the time could, from such materials as were at their command, have composed veracious narratives of the character of those extant, is unintelligible. The glowing animation and vivid details of the narrative in Livy do not compensate for the want of a solid basis of attestation. We should be glad to exchange it, notwithstanding its beauties as a composition, for such a tame and meagre account as Xenophon gives of the acts of the Thirty, provided that it were the work of a well-informed contemporary.

With such knowledge as we have, it seems vain to speculate about the origin of the decemviral story, or to attempt to define the shares which fact and fiction had in its formation. That the basis is real, need not be doubted;(218) but how many unreal

(218) Niebuhr thus characterizes the extant accounts of the decemviral period: 'Ever since the battle of lake Regillus, the accounts of Livy and Dionysius are, in many years, in perfect harmony with each other, important discrepancies occurring but rarely. The history of the decemviral legislation also furnishes an example of this agreement; but other accounts, small as they are in number, do not agree with them at all; hence their agreement cannot be quoted as evidence that their statements contain historical truth, but merely leads us to suppose that the two historians by chance made use of the same sources for this period;' Lect. vol. i. p. 203. Afterwards he remarks: 'The character of this period is in general quite different from that of the preceding one, and truly historical;' ib. p. 208. Dr. Arnold thus characterizes the decemviral story: 'Its details doubtless are traditional, and are full of the variations of traditional accounts; still they are not like the mere poetical stories of Cincinnatus or Coriolanus, and therefore I shall proceed to give the account of the second decemvirate, of the tyranny of Appius, and the death of Virginia, not as giving full credit to every circumstance, but as considering it, to use the language of Thucydides, as being in the main sufficiently deserving of belief;' Hist. of Rome, vol. i. p. 295. The following is Levesque's judgment: 'Les détails dans lesquels l'histoire est entrée sur le second décemvirat, peuvent être reçus avec défiance; mais le fait principal est assez frappant pour avoir passé de bouche en bouche, jusqu'à ce qu'enfin il ait été recueilli par les écrivains. Tite-Live et Denys

circumstances have been derived from legendary tradition, and how many material links in the chain of events, necessary for the due appreciation of the rest, have perished, it is impossible for us to ascertain. The story of Virginia has a native and Roman character; nothing like it occurs elsewhere. The sacrifice of Iphigenia by her father is an act commanded by the gods, and is deliberately performed as a religious duty, in order to secure a propitious departure for the Grecian fleet, wind-bound at Aulis:—

> Nam sublata virum manibus, tremebundaque, ad aras,
> Deducta est; non ut, solenni more sacrorum
> Perfecto, posset claro comitari hymenæo,
> Sed casta inceste, nubendi tempore in ipso,
> Hostia concideret mactatu mœsta parentis,
> Exitus ut classi felix faustusque daretur.

In the eyes of the Epicurean poet, the propitiation of the offended goddess was not an end sufficiently important to sanctify the means; and the sacrifice of Iphigenia by her father draws from him his celebrated exclamation about the evils of religion. But the justification was adequate in the view of a Greek imbued with the doctrines of his native theology. Perhaps it is necessary to have been brought up with the feelings of a Roman respecting the absolute power of a father over his children, to share all his admiration for the deed of Virginius.(219) It is true that his

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d'Halicarnasse paraissent avoir suivi le même auteur; l'écrivain grec ne differe guères de l'écrivain latin, que par la prolixité de sa narration et par sa loquacité dans les harangues;' Hist. Crit. de la Rép. Rom. tom. i. p. 183.

(219) Adactus Virginius pater dolore libertatis, et pudore dedecoris, protractam ad servitutem filiam in conspectu populi *pius parricida* prostravit. Orosius, ii. 13, who though a recent and a Christian writer, here represents the old Roman feeling. Compare Cic. de Fin. ii. 20. Tenuis L. Virginius, unusque de multis—virginem filiam suâ manu occidit, potius quam ea App. Claudii libidini, qui tum erat summo in imperio, dederetur. Also Val. Max. vi. 1, 2. Cum App. Claudius decemvir filiæ ejus virginis stuprum potestatis viribus fretus pertinacius expeteret, deductam in forum puellam occidit, pudicæque interemptor quam corruptæ pater esse maluit. Compare the anecdote of a Roman knight in Val. Max. vi. 1, § 3. Nec alio robore animi præditus fuit Pontius Aufidianus eques Romanus, qui postquam comperit filiæ suæ virginitatem a pædagogo proditam Fannio Saturnio, non contentus sceleratum servum affecisse supplicio, etiam ipsam puellam necavit.

daughter's dishonour is imminent; and that he has no time for reflection or preparation; but the conduct of Harmodius and Aristogiton, who, in order to avenge an insult offered to the sister of one of the friends, expose their own lives in seeking the life of the tyrant—and are both put to death by him, one of them in tortures—is better calculated to excite the lively sympathies of a modern reader than the proceeding of Virginius, who, after having stabbed his daughter, escapes to the camp, leads a successful insurrection against the decemvir, is afterwards elected tribune, and in that office prosecutes his former oppressor, and either puts him to death, or drives him to commit suicide, in prison.

The difficulties in the decemviral story do not end with the case of Virginia. The account of the final deposition of the decemvirs, and of their relation to the plebeians on the one hand, and to the patricians on the other, is, as it stands, enigmatical. The army of the Algidus,(220) consisting of five legions, having deposed its five decemviral generals, and elected commanders of its own, marches into the town, and occupies the Aventine. The army of Fidenæ, consisting of three legions, takes similar measures, and joins the other army on the same hill, where they unite their forces and their counsels. This large armed body, in the heart of the city, unopposed by any military force,(221) would seem to be in a position to dictate its own terms to the government, and to bring matters to an immediate conclusion. Instead of this, the Senate is convened, and appears to occupy the position of arbitrator and mediator between the decemvirs and the plebs; but to be feeble and irresolute, and to be unable to bring the difference to a final issue. In this state of things, the plebeian army on the Aventine, being, as it appears,

(220) In Diod. xii. 24, *τὸ στρατόπεδον τὸ ἐν τῷ Λαγαδίῳ καλουμένῳ τότε ὑπάρχον*, ΛΑΓΑΔΙΟΣ is clearly an error, either of the historian, or of his copyists, for ΑΛΓΙΔΟΣ. Bekker's edition has *ἐν τῷ Ἀλγίδῳ*.

(221) We hear nothing of the two legions in the city, which are said to be under the command of Appius and Oppius. They are not accounted for in the narrative; they neither join the insurgent armies, nor defend the decemvirs. See Dion. Hal. xi. 23, where each decemvir is supposed to command a legion. Livy does not specify the number or division of the legions, but he supposes Appius to have an armed force 'ad comprimendos urbanos motus:' Appius is his 'adjutor ad urbem tuendam;' iii. 41.

absolute masters of the town, might have been expected to settle the question for themselves; instead of which, according to Livy, they leave Rome, and make a formal secession to the Mons Sacer. This seems to imply, that the Senate was favourably disposed to the decemvirs; but Livy himself states distinctly that the acts of the decemvirs were disapproved by the majority of the Senate,(222) and the same fact is still more clearly shown in the account of the assembling of the Senate and its debate, before the war, which is given by both historians. Although many young patricians had become the instruments of the decemvirs in exercising their tyranny, the general hostility of the patrician body to the decemviral government results clearly from their narratives.(223) The plan of the decemviral legislation, and the appointment of the decemvirs, had emanated from the plebeians, and had been resisted by the patricians to the best of their power; and there had been nothing in the acts of the decemviral government to make the patricians desire its continuance. If therefore the plebeians, in a threatening attitude, were calling for the deposition of the decemvirs, and if the patricians in general were hostile to them,(224) it is unintelligible why they were not put down without further delay, and why it should have been necessary

(222) Sp. Oppius...senatum postremo vocari jussit: ea res, quod magnæ parti patrum displicere acta decemvirorum videbantur, spe per senatum finiendæ potestatis ejus multitudinem sedavit; iii. 49.

(223) See above, p. 231, n. 192. Dionysius says that the χαριέστατοι Ῥωμαίων, to whom the acts of the decemvirs were displeasing, were either banished or put to death by them; xi. 2. Again he says: τοῖς δ' ὀλιγαρχικοῖς καθ' ἡδονὴν αἱ τῶν ἐπιφανεστάτων ἀνδρῶν ἐγίνοντο φυγαί, ibid. Quinctius Capitolinus, a leading patrician, who had been excluded from the second decemvirate by the intrigues of Appius, (Livy iii. 35,) and had opposed his government in the Senate (Dion. Hal. xi. 15) in a subsequent speech to the people, thus describes the conduct of the patricians at this period: 'Pro Deûm fidem, quid vobis vultis? Tribunos plebis concupistis; concordiæ causâ concessimus. Decemviros desiderastis: creari passi sumus. Decemvirorum vos pertæsum est: coegimus abire magistratu. Manente in eosdem privatos irâ vestrâ, mori atque exulare nobilissimos viros honoratissimosque passi sumus;' iii. 67.

(224) Niebuhr attempts to remove or palliate this difficulty in the narrative, by supposing that the decemvirs are supported by the patricians. This supposition, however, is inconsistent with the accounts of both historians, who represent indeed the decemvirs as employing some

for the plebs to secede to the Mons Sacer. Cicero, indeed, inverts the order of the events: for he says that the plebs having first occupied the Mons Sacer, and afterwards the Aventine, went with arms in their hands to the Capitol, and elected

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patrician youths in their service, but who state that the patricians in general were hostile to the decemviral rule. Some of the passages adduced in support of this hypothesis are perverted from their true meaning. Thus, Hist. vol. ii. p. 352, Niebuhr says: 'Appius from the Vulcanal addressed *the patricians* in the comitium, exhorting them to hold by him, and to seize or cut down the leaders of the insurrection.' Again in the note, Appius is described as 'addressing the *patricians* as they stood in the comitium.' (n. 774.) The passage cited in support of this statement is the following: ὡς γὰρ ἔτι τοῦ πλήθους αὐτῷ διαμένοντος οἰκείου, ἀναβὰς ἐπὶ τοῦ Ἡφαίστου τὸ ἱερὸν ἐκάλει τὸν δῆμον εἰς ἐκκλησίαν, καὶ κατηγορεῖν ἐπειρᾶτο τῶν ἀνδρῶν παρανομίαν τε καὶ ὕβριν, ἐξουσίᾳ δημαρχικῇ καὶ ἐλπίδι κουφῇ ἐπαιρόμενος, ὅτι συναγανακτήσας ὁ δῆμος αὐτῷ παρήσει ῥίψαι τοὺς ἄνδρας κατὰ τῆς πέτρας, xi. 39. The meaning of Dionysius in this passage is obvious and indisputable; he says that Appius, believing the multitude to be still favourable to him, called a meeting of the people, and was buoyed up by a false hope that they would sanction his using his tribunitian power to throw the insurgents down the Tarpeian rock. Niebuhr, however, proceeding upon his assumption that *populus* means the patricians, and that the Greek historians translate it when so used by πλῆθος and δῆμος, infers that Dionysius has here reproduced a passage which he did not understand; and thinks himself authorized in putting this construction upon it silently, and without warning the reader, that the meaning which, by this process of legerdemain, he extracts, is the direct opposite of that intended by the author. Again, in describing the movement of the army from the Algidus into the city, he says: 'As the commonalty had occupied the Aventine, so *the patricians* had garrisoned the Capitol, and the fortresses in these parts of the city;' ib. p. 355. This statement appears to be taken from a passage in the speech to Virginius, after the delivery of the judgment, and it refers not to the patricians, but to the decemvirs, and to *their* occupation of the strong posts of the city; xi. 37. Cicero, moreover, states that the plebeians marched from the Aventine to the Capitol. Again, after the overthrow of the decemvirs, the accusation of Appius by Virginius is thus described: 'He showed himself in the forum, accompanied by a band of young patricians, who still acknowledged him as their chief. *This sight kindled the anger of L. Virginius*, and he summoned him to appear forthwith before a judge;' ib. p. 370. This account professes to be founded on the following passage of Livy. After having described the popular measures passed upon the overthrow of the decemvirs, he proceeds thus: 'Fundatâ deinde et potestate tribuniciâ, et plebis libertate, tum tribuni aggredi singulos tutum maturumque jam rati, accusatorem primum Virginium et Appium reum deligunt. Quum diem Appio Virginius dixisset, *et Appius, stipatus patriciis juvenibus in forum descendisset*, redintegrata extemplo est omnibus memoria fœdissimæ potestatis, quum ipsum satellitesque ejus vidissent;' iii. 56. This account represents the accusation of Appius by Virginius as determined by quite different motives, and makes the appearance of Appius in the forum, with his band of young patricians, subsequent, not prior, to the accusation. Livy conceives it as a defensive not an aggressive measure; but he says that it reminded the people of his young patrician satellites during the decemvirate: see c. 37, 49. He describes

ten tribunes.(225) This account agrees much better with the other circumstances of the case; but it differs altogether from the detailed narrative in Livy.(226) Cicero likewise differs from Livy, in representing an agreement to have been effected between the Senate and the plebs by the embassy of the three consulars; whereas Livy states this embassy to have been fruitless. Cicero says nothing of Valerius and Horatius, to whose interposition Livy attributes the settlement.(227) The indecision of the Senate, and their reluctance to act, with a plebeian army at their back, urging them onwards, and the decemvirs in front, whose government they hate, and who are deserted and defenceless, cannot be reconciled with the rest of the narrative. The animosity of the plebs against the decemvirs is shown in the demand to the envoys from the Senate, that they should be given up in order to be burnt alive.(228)

Considering the minuteness of the details in other parts of

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the accusation of Appius not as the result of a sudden impulse on the part of Virginius, but as a measure previously settled in concert with his colleagues. In fact, the difficulty of Livy's account is to understand how, if the conduct of Appius had been as it is represented, his life should have been so long spared.

Nam cupide conculcatur nimis ante metutum.

(225) Orat. pro Cornel. i.; De Rep. ii. 37. These two statements have been combined in the text. See also Asconius on the Orat. pro Corn. Niebuhr says: 'According to a statement of Cicero, the plebeians marched from the Sacred Mount to the Aventine, which is certainly wrong, *for they were always in possession of the Aventine*:' Lect. vol. i. 208. The reason which Niebuhr here assigns, is the very point in issue. Cicero says that they were *not* in possession of the Aventine, until they had been at the Mons Sacer.

(226) iii. 52-4. Compare the allusion in c. 61. Aurelius Victor, Diodorus, Florus, and Pomponius mention the Aventine alone.

(227) Cicero, however, alludes to the part which they played after the overthrow of the decemvirs, and to their popular measures at this crisis, when he calls them 'homines concordiæ causâ sapienter populares;' De Rep. ii. 31. The influence of Valerius at the same period is also mentioned by him in Brut. 14.

(228) Machiavel censures the plebeians for announcing their intention of burning the decemvirs alive, when the demand was made for their extradition. When you ask for anything, he says, you ought never to declare beforehand, that you intend to make a bad use of it. It is sufficient to ask a man for his arms, without telling him that you intend to kill him with them. When you have got them into your hands, you can use them as you think fit; Disc. i. 44.

the story, it is remarkable how little we hear of the individual decemvirs themselves.(229) With the exception of the great Appius, they are mere mutes in the drama, who fill a vacant space, but seem to have no volition or character of their own. They are mere puppets, whose strings he pulls as he thinks fit. While it suits his purpose to play the part of the patriotic ruler, all his colleagues are virtuous; and the entire body presents the picture of a Utopian aristocracy. When it suits his purpose to play the tyrant, his new colleagues are as compliant as his former ones, and they become a set of conspirators against the public, ready to join in the commission of every atrocity. Now all history proves that nothing is rarer than concord among a small body of persons, who share among them the supreme power.

> Nulla fides regni sociis, omnisque potestas
> Impatiens consortis erit.

The Thirty at Athens were but a short time in existence, before the dissension between Critias and Theramenes broke out, and before the latter was torn from the altar by the command of his colleague, and sent to drink the cup of hemlock in prison. Both Fabius(230) and Cornelius, in the second decemvirate, were patricians of mark; but they and the others act with Appius as if they all had but one will. It may be safely affirmed of this, as of the interregal government after the death of Romulus,(231) that perfect concord, under such circumstances, is without a parallel in authentic history. Either the decemvirs were less powerful than they are represented, or there were dissensions within their body, of which the memory has perished.(232) A

(229) According to Livy, all the members of the second decemvirate were patricians. Dionysius says that seven were patricians and three were plebeians. Niebuhr affirms that half were patricians and half plebeians.

(230) See the character of Fabius, in Dion. Hal. x. 58; Livy, iii. 41.

(231) Above, ch. xi. § 10.

(232) There is a passage among the fragments of Dio Cassius published by Mai (xxiii. § 4, ed. Bekker) which seems to refer to dissensions of the decemvirs. It states that *they* [the antecedent being lost] arrived at such a pitch of mutual jealousy, that they no longer exercised their powers of government in common, as they had been accustomed to do, but each ruled in succession: the effects of which change were disastrous, as each followed his own objects, and was more desirous of doing harm to the public, than

supreme oligarchy of ten without internal jealousies is an impossibility.

Lastly.—We may observe that it is difficult to reconcile the fruit of the decemviral legislation—the twelve tables themselves—with the account of their composition and enactment. According to this account, the code consists of two distinct portions; the first ten tables, and two additional tables. The ten tables were the work of the first decemvirs; underwent a public revision; were sanctioned by the Senate, and passed by the people. They seem to be the genuine expression of the popular will. The last two tables are the work of the second decemvirs, whose government was antipopular and tyrannical. Cicero accordingly distinguishes the characters of the two parts of the code; and says that the ten tables were remarkable for their equity, while he speaks of the two tables as unjust.(233) It is however difficult to understand why, if the last two tables were unjust, they were invested with the authority of law after the fall of the decemvirs, or why, if they had been already enacted by the decemvirs, they were not immediately repealed. Dionysius, Livy, and Cicero, agree in stating that the prohibition of marriages between the patricians and plebeians was introduced by the two tables. Why did not the plebeians, when they were negotiating on the Aventine and Mons Sacer, with arms in their hands, stipulate that the two tables should be rejected, or at least that this prohibition should be removed? There is likewise an obscurity about the time when the laws come in force. The ten tables are stated by both historians to have been enacted at the end of the first decemviral year, and Dionysius says that they were then en-

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of supporting the reputation of a colleague. It seems impossible to refer this description to any other set of colleagues than the decemvirs. The passage, however, is isolated, and we do not know how Dio Cassius connected it with the rest of his narrative. Zonaras, who borrowed largely from Dio Cassius, has nothing about internal discords of the decemvirs.

(233) Niebuhr says of this statement of Cicero: 'The exaggeration is obvious; it is impossible that even the greater part of them should have been of such a nature;' Hist. vol. ii. n. 750. Gellius, N. A. xvii. 21, § 15, distinguishes between the ten and the two tables, but not between the first and second decemvirs.

graved on brazen columns.(234) Yet C. Julius is represented during this year as abstaining from the exercise of his jurisdiction, out of deference to a law which had not been enacted.(235) Livy describes the second decemvirs as refusing to abdicate until their laws have been sanctioned;(236) by which the two tables are meant. They are not, however, enacted by the decemvirs, and nothing is said of their subsequent enactment by the people. Yet we are told shortly after, that Valerius and Horatius, the leaders of the opposition to the decemvirs, and their determined enemies, caused the twelve tables to be engraved on brass, and set up in public;(237) and we know that the decemviral code was called the Twelve, not the Ten, Tables.(238) Our historians do not explain how the two tables became law.

The account of Diodorus is, that the first decemvirs included their laws in ten tables; that the second decemvirs left their work unfinished, on account of the revolution by which their government was overthrown; that in consequence, the consuls Horatius and Valerius completed their task, by adding two

(234) Dion. Hal. x. 57; Livy, iii. 34.

(235) Cic. Rep. ii. 38. See above, p. 198, n. 95.

(236) Decemviri, quærentes se in ordinem cogi, non ante quam perlatis legibus quarum causâ creati essent, deposituros imperium se aiebant; iii. 51. He had stated that the ten tables had been enacted: centuriatis comitiis decem tabularum leges perlatæ sunt; c. 34.

(237) Livy, iii. 57. Niebuhr thinks that this statement 'probably means only that the last two tables were then posted up in the comitium by the side of the first ten;' Hist. vol. ii. p. 368. It is to be observed, however, that, although Dionysius states that the ten tables were engraved on brass, Livy makes no such statement. Livy seems to assume that the whole code was simultaneously engraved on brass.

(238) Pomponius gives the following account: 'Qui [decemviri] ipsi animadverterunt aliquid deesse istis primis legibus, ideoque sequenti anno alias duas ad easdem tabulas adjecerunt, et ita ex accidente appellatæ sunt leges duodecim tabularum;' Dig. i. 2, 2, § 4. He affirms that the ten tables were written on ivory, and set up in front of the rostra, ib. Livy, vi. 1, states that the twelve tables were replaced after the Gallic conflagration; but he does not say distinctly that the original brass plates were destroyed or carried away, though this seems to be his meaning. Sextus Ælius, the contemporary of Ennius, who was consul in 198 B.C., wrote a commentary on the twelve tables, probably somewhat resembling the Commentary of Coke upon Littleton. See Pomponius, ib. § 38. He, and a contemporary, L. Acilius, are called 'veteres interpretes' of the twelve tables by Cic. Leg. ii. 23. These 'ancient interpreters' were posterior to the enactment of the twelve tables by about [illegible] centuries.

more tables; and that they caused the twelve tables to be engraved on brass, and nailed up in front of the senate-house.(239) Tacitus seems to know of no distinction between the tables: he says that they were formed from a collection of the best laws, and that they were a consummation of equity.(240) It agrees with this view, that Appius is represented by Livy, when, after his fall, he is accused by Virginius, as appealing to his laws as evidences of his services to the plebs, and as complaining that he is dragged into prison, while they remain in full force.(241)

Dionysius describes Appius, in the debate in the Senate before the war, as declaring that the code is still unfinished, and as promising to abdicate when it is completed.(242) Yet he afterwards says that Appius would have been prevented from marrying Virginia by his own law against the intermarriage of patricians with plebeians;(243) this law, according to the account of Dionysius himself, with which Cicero agrees, being in the two tables. The law, which prevented a free person claimed as a slave being taken out of the defendant's possession before judgment, which is referred to in the proceedings against Virginia as being the work of Appius, may have been in the code of the first year; nevertheless, it is described as having been in the twelve tables.(244) The entire subject of the en-

(239) xii. 24-6.

(240) Creati decemviri, et accitis quæ usquam egregia, compositæ duodecim tabulæ, finis æqui juris; Ann. iii. 27. Zimmern, Gesch. des Röm. Privatrechts, vol. i. p. 102, understands the latter words to mean, that 'they were the last impartial law in Rome.' Compare the statement in Gell. xx. 1, that this code had been formed 'inquisitis exploratisque multarum urbium legibus.'

(241) Majorum merita in rempublicam domi militiæque commemorabat; suum infelix erga plebem Romanam studium, quod æquandarum legum caussâ tum maximâ offensione patrum consulatu abisset; suas leges, quibus manentibus lator earum in vincula ducatur; Livy, iii. 56.

(242) xi. 6. The language of Dionysius, in describing the two tables, however, certainly seems to imply that they had been previously added to the ten tables; x. 60.

(243) xi. 28.

(244) Dion. Hal. xi. 30, 31. Livy describes the advocates of Virginia as demanding of Appius that 'lege ab ipso latâ vindicias det secundum libertatem;' iii. 44. Afterwards, he adds: Appius decreto præfatus, quam libertati faveret, eam ipsam legem declarare, quam Virginii amici postula-

actment of the decemviral code is in a state of hopeless confusion.(245)

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tioni suæ prætendant; c. 45. Florus alludes to the same law: ante ceteros Appius eo insolentiæ elatus est, ut ingenuam virginem stupro destinaret, oblitus et Lucretiæ et regum *et juris quod ipse composuerat;* i. 24. Compare Dirksen, Zwölf-Tafel-Gesetze, p. 425—433, who refers the law to the 6th table. Pomponius says that this rule was a re-enactment of existing law. 'Initium fuisse secessionis dicitur Virginius quidam, qui quum animadvertisset Appium Claudium contra jus, *quod ipse ex vetere jure in duodecim tabulas transtulerat*, vindicias filiæ suæ a se abdixisse, et secundum eum qui in servitutem ab eo suppositus petierat, dixisse, captumque amore virginis omne fas ac nefas miscuisse, indignatus quod *vetustissimæ juris observantiæ* in personâ filiæ suæ defecisset, utpote quum Brutus, qui primus Romæ consul fuit, vindicias secundum libertatem dixisset in personâ Vindicis Vitelliorum servi, qui proditionis conjurationem indicio suo detexerat,' &c.; Dig. i. 2, 2, § 24. The origin of the *vindiciæ secundum libertatem* is here referred to the fabulous slave, Vindicius. See above, p. 6, 10. If the object of the decemviral legislation was to make a general code of laws, accessible to all the people, it was imperfectly attained; for Livy says that after the burning of the city by the Gauls, the treaties and laws were collected: 'alia ex eis edita etiam in vulgus; quæ autem ad sacra pertinebant, a pontificibus maxime, ut religione obstrictos haberent multitudinis animos, suppressa;' vi. 1. Even this partial publication is represented as now made for the first time.

(245) Niebuhr has built up an elaborate fabric of hypotheses, with respect to the decemviral government, turning mainly upon the idea that it was intended for a permanent system, and that it brought about various fundamental changes in the constitution. These hypotheses are at the best unsupported by the historical account; in general they are inconsistent with it. For the reasons assigned by Becker, all detailed criticism of these speculations seems to me superfluous: see Becker's judicious remarks on the subject; ii. 2, p. 128-9. Even Dr. Arnold ventures to reject the conjectural reconstruction of the decemviral history proposed by his guide; vol. i. p. 295, and compare, p. 301.

PART IV.—FROM THE OVERTHROW OF THE DECEMVIRAL GOVERNMENT TO THE SIEGE OF VEII.

(449—405 B.C.)

§ 55 THE events which are described as immediately following the decemviral government increase, rather than diminish, the difficulties which we have found in its explanation. The decemviral legislation was, as we have seen, a measure which originated with the plebeians; but it was turned to their oppression, and was overthrown by their resistance. It was intended to remove the inequalities between the two orders: but it seems to have added to them. The decemviral government, having sprung out of the demands of the plebs, is put down by a plebeian secession—an extreme measure—and only one degree short of insurrection or civil war. When the plebs return, they appear to be able to dictate their own terms; the consuls chosen are devoted to their interest, and introduce important legislative measures of a popular character. The only real equalization of rights effected at this time, is that which follows the decemviral legislation:(1) the twelve tables themselves did nothing for effacing the privileges of the patricians and the disabilities of the plebeians. There was a strong plebeian reaction after the fall of the decemvirs, which threatened to go too far; until it was stopped by the moderation and firmness of the tribune Duilius. The description of the outburst of plebeian power, of the fears of the patricians lest they should be made the subjects of vindictive impeachments, and of the self-imposed restraint of Duilius,(2) renders it quite unintelligible why the law of the two tables pro-

(1) Livy describes the consuls Valerius and Horatius as taking the field: 'Rebus urbanis compositis, *fundatoque plebis statu*,' iii. 60. This refers to their own measures after the fall of the decemvirs. Dr. Arnold, speaking of this year, says: 'In fact, the popular cause was so triumphant, that all, and more than all, of the objects of the Terentilian law were now effected;' vol. i. p. 315.

(2) Livy, iii. 59; Dion. Hal. xi. 46. The last words of this chapter are imperfect. Reiske restores, *ἀχθομένων ἤδη ταῖς σφαγαῖς τῶν πολιτῶν, καὶ πόλεμον ἐμφύλιον ἐκ τούτων γενήσεσθαι προσδοκώντων.*

hibiting marriages between patricians and plebeians should have been passed after the fall of the decemvirs, or, if it had been enacted by the decemvirs, why it should not at this moment have been repealed.

We next hear that the two consuls, Valerius and Horatius, severally defeat the Æquians and Volscians, and the Sabines, who had been successful against the decemvirs. The Senate refuses a triumph to the consuls, but it is granted by a vote of the people. Livy says that this was the first example of a triumph without the authority of the Senate.(3) Dionysius however states that Servilius had already triumphed in this manner, in the year 495 B.C.(4)

Notwithstanding the supposed settlement effected by the decemviral code, and the concessions made by the Valerian and Horatian laws, the contests between the patricians and plebeians proceed with unabated violence. There are disputes about the re-election of the tribunes:(5) the plebeians are insulted and wronged by the younger patricians;(6) and in the consulship of Quinctius Capitolinus and Furius (446 B.C.), when the Volscians and Æquians ravage the lands up to the Esquiline gate of the city, the people refuse to stir. After a time, Quinctius succeeds in inducing them to enlist, and a successful campaign ensues.(7)

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(3) Tum primum, sine auctoritate senatus, populi jussu triumphatum est; iii. 63. Zonaras, vii. 19, states that the consuls triumphed by the vote of the people alone.

(4) vi. 23. See above, p. 60. (5) Livy, iii. 64.

(6) Ib. 65. Livy concludes his description of the conduct of the patricians, juniors and seniors, with this remark: 'Adeo moderatio tuendæ libertatis, dum æquari velle simulando ita se quisque extollit, ut deprimat alium, in difficili est: cavendoque ne metuant homines, metuendos ultro se efficiunt; et injuriam a nobis repulsam, tanquam aut facere aut pati necesse sit, injuriimus aliis.'

(7) Livy, iii. 66–70. This great defeat of the Volscians is recorded by Diod. xii. 30, who calls them Οὐόλομνοι. In reporting the speech of Quinctius, Livy says: 'In hanc sententiam locutum accipio,' c. 67, as if he followed some previous writer. With regard to the honours of the consuls Livy has the following remark: 'Triumphum nec ipsos postulasse, nec delatum iis ab senatu accipio, nec traditur causa spreti aut non sperati honoris. *Ego quantum in tanto intervallo temporum conjicio*, quum Valerio atque Horatio consulibus, qui præter Volscos et Æquos Sabini etiam belli perfecti gloriam pepererant, negatus ab senatu triumphus esset, verecundiæ fuit pro parte dimidiâ rerum consulibus petere triumphum: ne

§ 56 In the next year, the consulship of Genucius and Curtius (445 B.C.), the accounts of Livy and Dionysius differ; and they differ in a remarkable point. Livy says that the tribune Canuleius proposed a law permitting the marriages of the patricians and plebeians: he adds, that all the tribunes (with only one dissentient) proposed another law, making plebeians eligible for the consulship. He reports at great length the speeches of the consuls against both laws, and the speech of Canuleius in favour of his own rogation; and he states that the Senate, partly moved by the eagerness of the plebs to obtain the repeal of the prohibition, and partly thinking that a concession of this point would render it unnecessary to concede the other, acceded to the proposal of Canuleius.(8) Dionysius

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etiam, si impetrassent magis hominum ratio quam meritorum habita videretur;' c. 70. Dr. Arnold has the following remark upon this year: 'In the next year, a member of the Quinctian house was chosen consul, T. Quinctius Capitolinus. Accordingly the story of the year is made up from some of the memorials of the Quinctian family, and is a mere panegyric of the consul's great qualities in peace and in war. The real history of the year is lost almost entirely;' vol. i. p. 333. The existence of these memorials of the Quinctian family is merely an hypothesis: there is no proof of their existence.

(8) Livy, iv. 1—6. Livy, both in the speech of Canuleius, and in the subsequent answer of the consuls, treats the prohibition of marriage as having been introduced by the decemvirs: nevertheless the objections attributed to the patricians seem to imply that the barrier was of old standing. In c. 1, the rogation is described as one 'quâ contaminari sanguinem suum patres, confundique jura gentium rebantur.' Afterwards the consuls ask: 'quam enim aliam vim connubia promiscua habere, nisi ut ferarum prope ritu vulgentur concubitus plebis patrumque?' c. 2. If this prohibition had only been in existence for five years, it seems ludicrous to apply this inflated language to its removal. Had the blood of the patricians been polluted, and had their marriages been no better than the copulation of wild animals six years before? Compare iii. 47, where Virginius says: 'Placet pecudum ferarumque ritu promiscue in concubitus ruere?' Niebuhr says that 'Livy's account of the angry opposition with which the patricians met this proposal, is unquestionably a faithful picture of the sentiments of the haughty nobles of *his own day*, and the deep resentment he puts into the mouth of the tribune is *his own feeling*. It is impossible however that all the patrician houses of the age he is describing can have looked down with such contempt on the distinguished plebeian families;' Hist. vol. ii. p. 384. The sentiments about purity of blood which Livy ascribes to the opponents of Canuleius may be suited to the patricians of the fifth century before Christ; but they are quite unsuited to the patricians of the Augustan age, whose feelings towards the plebeians might resemble those of a French noble in the last century towards a roturier, but had nothing of a religious character.

agrees with Livy as to the proposal for the admission of plebeians to the consulate, and he even mentions the name of the one dissentient tribune;(9) but he says nothing of any proposal for altering the marriage law, although he describes Canuleius as taking a leading part, at the discussions in the Senate, in support of the proposal for opening the consulship to the plebeians.(10) He likewise gives a detailed account of a private meeting—a sort of cabinet-council—of the leading patricians, which is convened by the consuls, and of which all the proceedings are accurately known to him:(11) Valerius and Horatius were the only senators of consular dignity who were not invited. The following is his account of the proceedings at this meeting. C. Claudius recommends the use of armed force against their political opponents; but Quinctius Capitolinus objects to civil war, and to a violation of the sanctity of the tribunes: and to this opinion the other members of the meeting accede. C. Claudius then declares that he yields to the majority; and he advises that, instead of opening the consulship to the plebeians, they should propose the substitution of six or eight military tribunes for the consuls, half of whom might be of the plebeian order. This suggestion is adopted by the entire meeting; and they then arrange the plan of the debate in the Senate, fixing the order in which the speakers are to be called on by the consuls, and the course which each of their own party is to pursue.(12) The debate in the Senate is next described. Canuleius complains of the secret meeting convened by the consuls; Genucius, the consul, defends the step which they had taken, and calls first upon Valerius and afterwards upon Horatius to declare their opinions. They pronounce themselves favourable to the admission of plebeians to the consulship; but they think the time is

(9) xi. 52. (10) Ib. c. 57.

(11) They are described in c. 55 as *δὶ πρεσβύτατοί τε καὶ κορυφαιότατοι τῶν προεστηκότων τῆς ἀριστοκρατίας συναχθέντες εἰς ἰδιωτικὸν σύλλογον ὑπὸ τῶν ὑπάτων αὐτοὶ καθ' ἑαυτούς*. In c. 57 Canuleius complains of them as *ἀπόρρητα βουλευτήρια συνάγοντας ἐν ἰδίαις οἰκίαις*. Compare above, p. 186, n. 59.

(12) Dion. Hal. xi. 54—6. The threats of war in c. 54 are similarly described in Livy, iv. 1, and 7.

unsuitable; and they advise the tribunes to permit the levies, and to withdraw the rogation until the enemies now in the field have been repulsed. This middle course, we are told, displeased both parties, the plebeians objected to the delay, the patricians to the concession of the principle. C. Claudius is then named, and he strongly objects to all change. The Senate is in an uproar at these conflicting, but unacceptable opinions; when T Genucius, the consul's brother, is called upon, and he brings forward the plan agreed to at the private meeting; namely, that there should be a discretionary power of substituting for the consuls six military tribunes with consular authority, three of whom should be patricians and three plebeians. This compromise was accepted by nearly all the senators; it was embodied in a decree—and it was well received by the tribunes and the people. Such however, says Dionysius, was the levity of the multitude, that although they had threatened a secession, or a recourse to arms, if the concession was not made, yet, when they obtained it, they did not avail themselves of their new right, but elected only three patricians as the first consular tribunes. These tribunes only held their office seventy-three days, when they abdicated it on account of some defect in the auspices: and two patrician consuls were elected for the rest of the year. 'Nevertheless (Dionysius informs us) the two sets of officers in question do not both appear in all the Roman annals; but in some only the tribunes, in others only the consuls, and in a few both; which latter I have followed, as they agree with the testimonies derived from the sacred and reserved books.'(13) Livy gives a similar, though a brief account of the private meeting, and of the arrangement for the election of consular tribunes from both orders, the number of which he limits to three. He attributes the election of these patricians to magnanimity, not to fickleness: and he describes their abdication, and the election of patrician consuls after a struggle. He

(13) Dion. Hal. xi. 57—62. The three consular tribunes of this year are named by Diod. xii. 32: he says nothing of the consuls.

then remarks that Licinius Macer bears witness to the fact that the names of these consuls were found in a treaty with Ardea, made in this year, and in the linen books preserved at the temple of Moneta: this, he says, is a proof that they were consuls this year, although their names were not found either in the ancient histories, or in the books of magistrates.(14) Livy however adds that some accounts made no mention of the rogation for plebeian consuls, but attributed the appointment of consular tribunes, not to a compromise between the two orders, but to the necessity of appointing assistants to the consuls, who had to make head at the same time against a Volscian and Æquian army, a revolt of Ardea, and a Veientine army.(15)

It is difficult to understand how the account of the private meeting summoned by the consuls could have been obtained, when its proceedings are described as unknown even to the contemporary tribunes; or how the minute details of the entire transaction which led to the creation of consular tribunes could have been preserved, when there is a discrepancy between our two historians as to so important a point as the rogation of Canuleius respecting the marriage law. As the history of Dionysius breaks off in the following year, and of the remainder only a few fragments have been preserved, we do not know how, or when, he supposed the repeal of the prohibition of marriages between the two orders to have been effected. It should be observed that Livy's description of the measure of Canuleius is supported by Florus; who represents this tribune as having caused an outbreak on Mount Janiculum, for the sake of removing the prohibition in question.(16) Livy however says

(14) Idque monumenti est, consules eos illo anno fuisse, qui neque in annalibus priscis, neque in libris magistratuum inveniuntur; Livy, iv. 7.

(15) Ibid. Other dates, wholly different from that of Livy and Dionysius, are given us for the first institution of consular tribunes. Eusebius, Chron. p. 348, places it in 385 B.C. Eutropius, ii. 1, in 365 U.C.=389 B.C. These two statements nearly agree, but they are posterior to the received date by about sixty years. Syncellus, vol. i. p. 484, places it *before* the decemvirate.

(16) Tertiam seditionem excitavit matrimoniorum dignitas; ut plebeii cum patriciis jungerentur, qui tumultus in monte Janiculo, duce Canulcio tribuno plebis, exarsit; Florus, i. 25. Ampelius, c. 25, enumerates this

nothing of any popular tumult, and describes the rogation of Canuleius as having been peaceably conceded by the Senate: whereas Florus speaks of it as having been extorted by an insurrection. The account of the private meeting of the patrician party, and of the subsequent debate in the Senate, given by Dionysius, has so modern a sound, that, instead of referring to Rome and the fifth century before Christ, it might, with the proper alterations of names and subjects, be thought to refer to England and the nineteenth century after Christ.

The two historians differ in their accounts as to the number agreed on for the consular tribunes: Livy states it at three,(17) whereas Dionysius states it at six, and attributes the choice of three patrician tribunes, without three plebeian colleagues, to popular caprice.(18) The explanation of the choice of three patricians, without any plebeian colleagues, under the circumstances stated, by referring it either to the fickleness or the generosity of the people, is very unsatisfactory. The plebs had fought a hard fight, and come off victorious in the contest:(19) there seems no reason why, even if they did not wish to press their advantage, they should not have elected one plebeian consular tribune out of three. It may also be remarked, with regard to the election of consuls after the resignation of the tribunes, that it is difficult to perceive from what source Livy could have drawn his minute account of their

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sedition among the secessions of the plebs. The only secession to the Janiculum known to Livy is that under Hortensius; Epit. xi. (287 B.C.)

(17) Livy says that in 438 B.C. it was lawful to elect six consular tribunes; iv. 16. Zonaras states that six were to be elected, three from each order; vii. 19.

(18) Becker attempts to explain this discrepancy by supposing that Dionysius misunderstood his authorities, and construed 'tres ex utroque ordine,' as if it meant three taken from each order severally, whereas it meant three taken discriminately from both orders; ii. 2, p. 139. All explanations which suppose error, in order to produce uniformity of statement, in the extant accounts of Roman history, are, to say the least, extremely doubtful.

(19) Zonaras states that, in the contest of the year 445 B.C. for opening the consulship to the plebeians, πολλὰ κατ' ἀλλήλων καὶ βίαια ἔλεγον τε καὶ ἔπραττον. He adds that the patricians, in order to prevent worse excesses, conceded the institution of consular tribunes, three from each order; vii. 19.

appointment, if their names were not found in any of the ancient histories.(20)

The substitution of a board of military tribunes with consular power, sometimes consisting of eight, and never of less than three members, for the two consuls, is represented to us as a virtual, though not a formal concession of the demand for the admission of plebeians to the consulship.(21) According to Diodorus indeed a stipulation that one of the consuls should always be a plebeian was among the articles agreed to at the decemviral secession.(22) This statement cannot be received; but the demand for the opening of the consulate to the plebeians, coming only four years after the fall of the decemvirs, must be considered as connected with the great plebeian movement which followed that event; and the discretionary power of substituting consular tribunes for consuls is represented as a partial satisfaction of that demand.(23) Under these circumstances, it seems strange that during a long series of years after the concession has been made, the power should not be more often exercised, and that when it is exercised, patricians alone should be appointed. In the first twenty years of the existence of the power, 444—424 B.C., it is used only seven times; out of these seven times, the board consists of three members four times, and of four members

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(20) Dionysius, xi. 61, and Livy, iii. 6, both state expressly that the first consular tribunes were three in number, and were all patricians. Livy likewise in subsequent passages represents the plebeians as complaining that none of their order had ever been elected to this dignity, and he further states that the first plebeian consular tribune was elected in 400 B.C. In spite of these distinct testimonies, Niebuhr maintains that one at least of the first consular tribunes was a plebeian; Hist. vol. ii. p. 411; Lect. vol. i. p. 221. His supposition is rejected by Drumann, vol. iv. p. 55. Dr. Arnold supposes that 'the three tribunes first chosen were patricians, and that three plebeians were to have been added to their number; but that the patricians resisted this, and, finally, to simplify the question, got rid of their own tribunes also, and returned to the government by consuls;' vol. i. p. 337. These conjectures are quite irreconcilable with the accounts both of Dionysius and Livy.

(21) *ἵνα δὲ μὴ πρός τι χεῖρον χωρήσωσι, τοῦ μὲν ἔργου τῆς ἡγεμονίας οἱ δυνατοὶ αὐτοῖς παρεχώρησαν, τοῦ δὲ ὀνόματος οὐ μετέδωκαν, ἀλλ' ἀνθ' ὑπάτων χιλιάρχους ὠνόμασαν, ἵνα μὴ τὸ τῆς κλήσεως ἔντιμον τῷ σύρφακι ὁμίλῳ καταρρυπαίνοιτο*, Zonaras, vii. 19.

(22) xii. 25.

(23) See Plutarch, Camill. i.

three times: and in every case patricians alone are elected.(24) In the year 432 B.C. private meetings were held at the houses of the tribunes, at which the leading plebeians complained of the conduct of their own order, in never electing a plebeian to the office of consular tribune. Others attributed the result to the electioneering influences of the patricians; and in consequence a law was passed, on the rogation of the tribunes, prohibiting candidates from whitening their toga.(25) In the year 424 B.C. the tribunes still complain that no plebeians had been elected consular tribunes, and that all the plebeian candidates had been rejected.(26) The same complaint recurs in 420 B.C., when three patricians are again elected.(27) In the year 408 B.C. it is mentioned that the same result was obtained, contrary to general expectation;(28) and again in the following year, four patricians were elected.(29) In 403 B.C. eight consular tribunes were for the first time appointed, but none of them was plebeian.(30) It was not till 400 B.C., after the discredit of some of the patrician consular tribunes in the Veientine war, that the practical exclusion of plebeians from the office came to an end, forty-four years after the change in the law. In that year, one plebeian was

(24) Namely, in the years 444, 438, 433, 432, 426, 425, 424 B.C. Pœtelius the tribune makes an unsuccessful attempt to obtain comitia for the election of consular tribunes in 441 B.C.; Livy, iv. 12.

(25) iv. 25. Livy describes the result of the election for the previous year, 433 B.C., as follows: 'Tribuni plebis, assiduis concionibus prohibendo consularia comitia, quum res prope ad interregnum perducta esset, evicere tandem ut tribuni militum consulari potestate crearentur; victoriæ præmium, quod petebatur, ut plebeius crearetur, nullum fuit; omnes patricii creati sunt;' ib. As to the preference of the plebs for consular tribunes over consuls, see Livy, iv. 30, 54.

(26) Livy, iv. 35.

(27) Ib. 44. Five consular years intervene from 413 to 409 B.C.

(28) Ib. 56. The reasons of this general expectation were that, in the previous year, out of four quæstors, three plebeians were elected, although this was the first example of a plebeian quæstor; ib. 54: and also that the tribunes had obtained a decree for the election of consular tribunes, there having been five consecutive years of consuls.

(29) Ib. 57.

(30) Livy, v. 1. See the complaint of the tribune in c. 2: 'Non fuisse ne in octo quidem tribunis militum locum ulli plebeio. Antea trina loca cum contentione summâ patricios explere solitos; nunc jam octojuges ad imperia obtinenda ire, et ne in turbâ quidem hærere plebeium quemquam.'

admitted, out of six consular tribunes, rather, we are told, to mark the existence of the right, than from any personal fitness.(31) It was only in the following year, that the admissibility of the plebeians to the consular tribunate was practically established: five plebeians out of six were then elected by nearly all the centuries.(32) This result is stated to have alarmed the patricians: they made a great effort, and calling in the aid of religious motives, they procured in the next year the return of six consular tribunes, all patricians.(33) In 396 B.C. the plebeians obtained by agreement the majority of a college of six:(34) but they were soon superseded by the dictatorship of Camillus, by whom the siege of Veii was brought this year to a close. In the six years between the fall of Veii and the burning of Rome, there are no plebeian consular tribunes; and in two of the years consuls are elected. There had been no consuls for fifteen years since 409 B.C., and in 393 B.C. the Senate, from vindictive motives, inflicted the re-election of consuls on the plebs, because they hated this magistracy.(35) We have now reached the end of the period to which this chapter is confined; but from 390 B.C., the year of the burning of the city, to 366 B.C., the year after the passing of the Licinian laws, when the first plebeian consul was appointed,(36) the series of consular tribunes is only interrupted by the anarchical period of the Licinian rogations. From

(31) Ib. 12. Perizonius and other critics after him have inferred from the names that the statement of Livy as to the proportion of plebeians is incorrect. Alschefski ad l. restores *P. Manlius* for *P. Mænius*, and (agreeing with Niebuhr, Hist. vol. ii. n. 1096, and Arnold, vol. i. p. 409) thinks that Manlius and Furius are the only patricians. If this supposition be well founded, the detailed explanation given by Livy must be incorrect. Compare the notes in Drakenborch's edition. Livy represents the tribunes as saying, in 369 B.C., 'An jam memoriâ exisse, quum tribunos militum idcirco potius quam consules creari placuisset, ut et plebeiis pateret summus honos, quatuor et quadraginta annis neminem ex plebe tribunum militum creatum esse?' vi. 37.

(32) Livy, ib. c. 13; Drumann, vol. iv. p. 55, thinks that Livy commits an error in stating that there was only one patrician consular tribune this year. He believes that Atilius, as well as Veturius, was a patrician, and is the same as the Atilius in the year 444 B.C.

(33) Livy, v. 14. (34) Ib. 17, 18. (35) Ib. 29.

(36) The third of the Licinian laws expressly prohibited the election of consular tribunes, and provided that one at least of the consuls must be a plebeian; Livy, vi. 35. Below, ch. xiii. § 9.

that time the election of consular tribunes ceases, being prohibited by the Licinian laws; and the series of consuls is resumed without interruption.

This statement shows that the election of three or more consular tribunes, instead of two consuls, was a measure acceptable to the plebeians, and distasteful to the patricians; but what were the reasons for the preference of one party, and the dislike of the other, is not fully explained to us. The consular tribunes, like the consuls, were elected in comitia centuriata;(37) they had the consular insignia, though they seem never to have been allowed a triumph;(38) that they had the powers of a consul, the title of their office declares.(39) They exercised the important consular function of naming a dictator. The chief difference between patrician consuls and patrician consular tribunes, so far as the plebs was concerned, seems to have consisted in the greater number of the latter—which weakened their powers by division.(40) Accordingly, as the influence of the plebs became greater, the number of the consular tribunes was increased; at first there were colleges of three and four; afterwards of six and eight.(41) From its first institution soon after the decemvirate to its extinction by the Licinian laws, the system was in force during a period of seventy-seven years: of which time, there were consuls in twenty-three, and consular tribunes

(37) Livy, v. 13, 18, 52; See Becker, ii. 2, p. 143.

(38) Livy, iv. 7; Zonaras, vii. 19. The statement as to the consular insignia is not quite distinct, and it is rejected by Niebuhr, vol. ii. n. 852, though upon conjectural grounds. Becker hesitates, ib. p. 144.

(39) Tribuni militares consulari potestate; Becker, ib. p. 136.

(40) This is the reason assigned by Plutarch, Cam. i.: ἦττον ἦν ἐπαχθὴς ἡ ἀρχὴ διὰ τὸ πλῆθος.

(41) The speech of the Emperor Claudius thus notices the consular tribunes: 'Quid imp. . . . uris distributum consulare imperium, tribunosque militum consulari imperio appellatos, qui seni et sæpe octoni crearentur?' The following is the account of Pomponius: 'Deinde quum post aliquot annos, quam duodecim tabulæ latæ sunt, et plebs contenderet cum patribus, et vellet ex suo quoque corpore consules creare, et patres recusarent, factum est ut tribuni militum crearentur, partim ex plebe, partim ex patribus, consulari potestate. Hique constituti sunt vario numero; interdum enim viginti fuerunt, interdum plures, nonnunquam pauciores;' Dig. i. 2, 2, § 25. We have no account of any number greater than eight having been appointed.

in fifty-four years: that is to say, on an average nearly each third year was a consular year. When the business of any department of the government increased, the general course at Rome seems to have been to add new colleagues, not to appoint more subordinate officers. In this case, the motive of distributing the supreme executive power among a larger number of persons was added. It is therefore more easy to explain the increase in the number of the consular tribunes, than that of the tribunes of the plebs; because the latter was a popular measure, designed to increase their power.(42) The number of the consular tribunes, as compared with that of the consuls, likewise afforded a better opportunity for the election of plebeians, and hence the exclusion of the plebeians from the office of consular tribune for so many years after the right of admission had been conceded, is the more remarkable.(43)

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(42) See above, p. 180.

(43) Dr. Arnold attempts to explain it, by saying that the measures which the plebs had been eager to obtain were all objects of universal and personal interest, but that the possible admission of a few distinguished members of their body to the highest offices of state concerned the mass of the commons but little (vol. i. p. 340-1). This explanation might account for their not exerting themselves to obtain the admissibility of plebeians to the consular tribunate; but as they had exerted themselves to obtain it, and had obtained it, it does not explain why they did not attempt to return, or succeed in returning, a single plebeian as military tribune for nearly half a century after the law had rendered plebeians eligible. When the plebeians were made eligible to the office of curators of sacred things, their number was increased from two to ten, and at the first election, five patricians and five plebeians were chosen; Livy, vi. 37, 42. Dr. Arnold thus characterizes the history of the period immediately subsequent to the decemvirate: 'We read in Livy and Dionysius an account of the affairs of Rome from the beginning of the commonwealth, drawn up in the form of annals; political questions, military operations, what was said in the Senate and the forum; what was done in battle against the Æquians and Volscians, *all is related with the full details of contemporary history*. It is not wonderful that appearances so imposing should have deceived many; that the Roman history should have been regarded as a subject which might be easily and completely mastered. *But if we press on any part this show of knowledge, it yields before us, and comes to nothing*. Nowhere is this more manifest than in the story of the period immediately subsequent to the decemvirate. What is related of these times is indistinct, meagre, and scarcely intelligible; but scattered fragments of information have been preserved along with it, which, when carefully studied, enable us to restore the outline of very important events; and these, when thus brought forward to the light, afford us the means of correcting or completing what may be called the mere surface view con-

§ 57 It is conjectured by Niebuhr(44) that the creation of the office of censor, in the year following the appointment of consular tribunes, was connected with that measure, and that it was intended to reserve to an exclusively patrician magistracy an important portion of the functions of the consuls. The conjecture at first sight seems specious: Livy however not only does not mention, but distinctly negatives, any such origin for the office. He states that it was created because no new census of the people had been taken for many years, and the consuls were too much occupied with their military duties to find time for this domestic duty.(45) This account is confirmed by Diony-

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tained in the common narrative. The lines hitherto invisible being so made conspicuous, *a totally different figure is presented to us, its proportions and character are all altered*, and we find that *without this discovery*, while we fancied ourselves in possession of the true resemblance, we should in fact have been mistaking the unequal pillars of the ruin for the original form of the perfect building;' Hist. of Rome, vol. i. p. 314. The first part of this passage appears to me to describe correctly the character of the extant accounts of this period of Roman history. From the view contained in the latter part, I entirely dissent; and I dispute the possibility of framing a new authentic narrative, and of reconstructing the history, in the manner here indicated.

(44) Hist. vol. ii. p. 387, 397. By means of this and other hypotheses, Niebuhr has been able to invent a new constitution, which he calls the constitution of 311 U.C.=443 B.C., formed by a compact between the leaders of the Senate and the tribunes. 'Of this compact (he adds) our historians know nothing. *Nevertheless it certainly took place*, and was *undoubtedly* drawn up, like the Greek treaties of peace, in the form of a law, as an ordinance of the Senate and curies, adopted by the commonalty, like that by which the censorship is related to have been established. *Nor are they aware* of the connexion between the censorship and the military tribunate, or that these two offices together were equivalent to the consulship: according to their view, the censorship was instituted to meet a casual necessity. The spirit and import of the compact, however, when the matter is considered without prejudice, *will not admit of a doubt*;' p. 387. Compare Becker, ii. 2, p. 140-2. Niebuhr's opinions on the constitution of 443 B.C., are adopted by Dr. Arnold, vol. i. p. 338.

(45) Ortum autem initium rei est, quod in populo, per multos annos incenso, neque differri census poterat, neque consulibus, quum tot populorum bella imminerent, operæ erat id negotium agere. The proposal for a new magistracy having been made in the Senate, Livy adds: Patres, quamquam rem parvam, tamen quo plures patricii magistratus in republicâ essent, læti accepere; iv. 8. The first censors, both patricians, were elected in 443 B.C. The office was originally quinquennial, but in 434 B.C. its duration was limited to eighteen months. The first plebeian censor was elected in 351 B.C.; Livy, vii. 22, x. 8. See Becker, ii. 2, p. 191. Zonaras, vii. 19, also states that the censorship was created on account of the inability of the consuls to discharge their increasing duties. He does not connect it

sius and Zonaras. It may be added that the censorship was instituted in a consular year (443 B.C.); that in the eight following years there was only one set of consular tribunes; and that no plebeian was elected to this office (as we have already seen) until 400 B.C.: the facts therefore do not accord with the supposition that the censorship was part of a comprehensive arrangement by which certain duties of the consuls were kept in the hands of patricians while the others were transferred to plebeians.

If there had been a Roman Thucydides, who lived through the decemviral and subsequent period; who, being of mature mind and years, had watched it in its progress and consequences,(46) and who had afterwards written its history, we should be able to understand the true causes and character of events, and the true springs of action, during a season of revolutions and important constitutional reforms. But the account which has descended to us seems to have been composed at a time when the real nature of the political changes in question was no longer understood; and therefore is incoherent and unintelligible, even when the names and dates may be correctly recorded.(47)

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with the institution of the consular tribunes. A similar reason is also assigned in the imperfect passage of Dionysius, xi. 63. The consuls there state that no census has been held for seventeen years, since the consulship of Cornelius and Fabius, 459 B.C.

(46) Speaking of the Peloponnesian war, Thucydides says: *ἐπεβίων δὲ διὰ παντὸς αὐτοῦ, αἰσθανόμενός τε τῇ ἡλικίᾳ καὶ προσέχων τὴν γνώμην, ὅπως ἀκριβές τι εἴσομαι*, v. 26. Compare Dion. Hal. de Thuc. Jud. 12, with Krüger's note, and Goeller's edition of Thucydides, vol. i. p. 10. Thucydides was born in 471 B.C. The Peloponnesian war lasted from 431 to 404 B.C.; he was therefore forty years old at the commencement of the war, and sixty-seven at its close. The first year of the decemvirate preceded the beginning of the Peloponnesian war by twenty years.

(47) 'The period of nearly forty years on which we are now going to enter [442—406 B.C.], so short a space in the history of a nation, so long to all of us individually, includes within it the whole of the Peloponnesian war. While at Rome the very form and tendency of great political revolutions cannot be discovered without difficulty; whilst military events are wholly disguised by ignorance or flattery; and whilst we can as yet obtain no distinct ideas of any one individual, nor fully conceive the character of the national mind, Athens is, on the other hand, known to us almost in its minutest points of detail;' Arnold, vol. i. p. 343.

§ 58 From the year 443 B.C. the history of Dionysius is lost: of the remainder of his work only some fragments have been preserved. It happens however that copious extracts remain for the story of Mælius, the siege of Veii, and the capture of Rome by the Gauls; which three events all fall within the period comprised by the present chapter.

A transaction is referred to this period, which deserves notice, as the account of it bears strong internal marks of veracity. The towns of Aricia and Ardea (we are told), whose territories adjoined one another, on the coast to the south of Lavinium, had waged much fruitless warfare about a tract of land on their confines, and agreed to refer their dispute to the arbitration of Rome. The arbitration was accepted, and the question was argued on both sides before the popular assembly; the vote was about to be taken between the two contending states, when an old Roman citizen, named Scaptius, claimed to be heard. The consuls refused him a hearing; but the tribunes, on being appealed to, permitted him to speak. He then stated that he was eighty-three years of age; that in his twentieth year of service he had fought against Corioli; and he could depose that the district in question had been a part of the territory of Corioli, and had been then acquired by Rome.(48) This testimony was credited, and although the consuls tried to prevent the people from acting upon it, their efforts were vain. A third voting-

(48) This transaction belongs to the year of Furius and Quinctius, 446 B.C. Corioli was conquered in the consulship of Postumius and Cassius, 493 B.C. The interval is therefore 47 years. Scaptius says that he was then in his twentieth year of service; so that he began to serve when he was sixteen or seventeen years of age, and he must have served every year, which, as there were several years of peace, is improbable; see Drakenborch ad loc. If Scaptius was eighty-three years old in 446 B.C., he must have been born in 529 B.C., nineteen years before the expulsion of Tarquin. As the capture of Corioli had taken place only forty-seven years before, it might be remembered by persons of less age than Scaptius, and who had not then seen twenty years of service. A man of sixty-seven would have been twenty years old at the time. The case, therefore, does not seem to be one which called for the testimony of a very aged person. The words in Livy are, 'Rem se *vetustate obliteratam*, ceterum suæ memoriæ infixam, afferre.' No notice is taken of the reconquest of Corioli from the Romans by Coriolanus in 488 B.C. The title is treated as continuous; see Livy, ii. 39; Dion. Hal. viii. 19.

box was brought, and the assembly decided that the land in dispute belonged, neither to Ardea, nor to Aricia, but to Rome. Livy considers the judgment to have been disgraceful under the circumstances of the case, and says that it was so regarded by the senators; though the abstract right might have been with the Romans.(49) This decision speedily leads to a revolt of Ardea;(50) in the following year ambassadors from Ardea come to Rome, to complain of their treatment; the Senate receive them with courtesy, and promise to do all in their power to redress their wrong, but advise them to be patient; the treaty with Ardea is renewed in the same year.(51) A violent intestine sedition now breaks out in Ardea, caused by a rivalry of a noble and a plebeian for the hand of a young woman, distinguished for her beauty. The same political sympathies are manifested, as we perceive, from surer historical data, in the Second Punic War. The noble, or oligarchical party, apply to Rome; the plebs call in the assistance of the Volscians. The Roman interference is effectual, and the Volscians are defeated; the leaders of the plebeian party are put to death by the Romans, and their property confiscated to the Volscian state; a measure which we are told satisfied the Ardeates, but which the Senate did not think sufficient to cancel the injustice of the decision concerning the land.(52) In the following year, the Senate made a decree that, as the population of Ardea had been reduced by civil conflict, colonists should be sent to it, for security against the Volscians. At the same time, they arranged privately, that the only land divided should be that to which the unjust judgment related, and that no part of it should be assigned to any Roman colonists, until all claims of Ardeate citizens, who wished to settle upon it, had been satisfied. By this contrivance, the disputed land was

(49) Livy, iii. 71-2. A fragment of the story is in Dion. Hal. xi. 52, where the Vat. MS. has Κάπτιος for Κάτλιος. Σκάπτιος should probably be restored. The corruption of proper names in the manuscripts of the classical writers would be an interesting subject of philological research. There is no part of their text in which there has been so much unfaithful transcription.

(50) Livy, iv. 1. (51) Ib. c. 7. (52) Ib. 9-10.

virtually restored to Ardea. Livy mentions the names of three commissioners who divided the land; but their task, he says, was a peculiarly unpopular one; for they offended the plebs, by assigning to allies a district which the Roman people had decided to be its own property: and they made no friends among the patricians by acts of personal favour; so that, being cited to trial by the tribunes, they were glad to escape the danger by enrolling themselves among the colonists, and placing their lives under the protection of neighbours who had witnessed their integrity and justice in the performance of their duties.(53) This narrative is not only detailed, but it is coherent, and probable; the transaction, though creditable to the Senate, is not creditable either to the plebeians or to the patrician body; the affair is in itself of no great importance, and it is difficult to understand how the story should have originated if it was not true. On the other hand, we do not know how, if it was true, the details of it were so faithfully preserved, or why a clear and consistent account of this unimportant transaction should have been recorded, when the history of the great changes which accompanied and followed the decemviral period, and which were only a few years earlier, should have come down to us in so confused and obscure a state.

§ 59 The year 440 B.C. brought with it a scarcity; the cause of which was differently reported. Some attributed it to a bad season; others to the neglect of agriculture.(54) L. Minucius was appointed prefect of the annona, with the special duty of providing supplies of corn; but his efforts were not effectual in preventing extreme suffering from the dearth. In this state of things Sp. Mælius, a wealthy man of the equestrian order, used his private fortune for buying up corn, which he afterwards

(53) Livy, iv. 11. The simple narrative of Livy can scarcely be recognised after the metamorphosis which it undergoes from being touched by Niebuhr's pen. The plebs becomes 'the concilium of the populus,' (*i.e.* the patricians.) Scaptius is not a real man, but the personification of the Scaptian tribe; the Aricians received a share of the land, &c.; Hist. vol. ii. p. 449-452.

(54) Cœpere a fame mala, seu adversus annus frugibus fuit, seu dulcedine concionum et urbis deserto agrorum cultu; *nam utrumque traditur*; Livy, iv. 12. It is mentioned under the previous consuls that 'ludi, ab decemviris per secessionem plebis a patribus ex senatus-consulto voti, eo anno facti sunt;' ib. This vow implies that a great public danger was supposed to exist.

distributed gratuitously among the poor plebeians. Both Livy and Dionysius (for an extract of the history of the latter, containing this transaction, has lately been recovered) describe Mælius as converting the popularity acquired by his distributions of corn into an instrument for acquiring supreme power in the state, and for making himself an absolute king. The same view of his intention is taken by Cicero,(55) Varro, Valerius Maximus, Diodorus, and others:(56) and is also contained in the history of Zonaras.(57) It is stated by Dionysius that Minucius obtained from secret informants conclusive evidence of his treasonable designs and preparations. He communicates this evidence to the consuls, who lay it before the Senate. The danger is considered by them as urgent, and they assent to the proposal of the consuls that they should nominate a dictator. Cincinnatus, now above eighty years old, is instantly appointed; and he makes C. Servilius Ahala his master of the horse. The dictator takes his measures during the night, and in the morning he sends Servilius to cite Mælius before his tribunal. Mælius is alarmed at the summons, and attempts to escape to his own house; according to Dionysius, he is pursued by the knights who accompanied Servilius, he takes refuge from them in a butcher's shop, and attempts to defend himself with a cleaver which he there seizes; but he is overpowered by them, cut down, and slaughtered (says Dionysius) 'as if he had been a wild beast.' According to Livy, he was killed by Servilius himself.(58) The feelings of the people at this act are thus described by Dionysius. 'The plebeians who were not accomplices in the treasonable plans of Mælius condemned his conduct; those who were parties to the conspiracy, being relieved from fear, simulated joy, and praised

(55) De Rep. ii. 27; De Senat. 16; De Amic. 11; Phil. ii. 11, 34, 44, pro Mil. 3, 30; De Dom. 32; In Cat. i. 1.

(56) Varro, de L. L. v. § 157, says that the house of Mælius was levelled with the ground, 'quod regnum occupare voluit is;' Val. Max. vi. 3, § 1, classes Mælius with Cassius, whose crime was 'suspicio concupitæ dominationis.' Diod. xii. 37, states that Σπόριος Μαίλιος ἐπιθέμενος τυραννίδι ἀνῃρέθη.

(57) vii. 20.

(58) Florus agrees with Livy: 'Hunc [Mælium] Quinctii dictatoris imperio in medio foro Magister Equitum Servilius Ahala confodit:' i. 26.

the Senate for their proceedings; but a few among them, being the worst in character, ventured to say that Mælius had been murdered by the nobles, and endeavoured to rouse the people. The latter were quietly put to death by the dictator; who, after he had quelled the disturbance, resigned his office.'

This, says Dionysius, is the most probable account of the death of Mælius; and it is that, we may add, which in substance is followed by Livy. There was however another version of the story, related by Cincius Alimentus and Calpurnius Piso, which he considers less probable. According to this account, Cincinnatus was not appointed dictator, nor Servilius master of the horse; but upon the information of Minucius to the Senate of the treason meditated by Mælius, it was decided that Servilius should be commissioned to kill him without trial. Servilius accomplished this task by taking Mælius aside, on pretence of a private communication, and by plunging a dagger in his throat. Having fulfilled his commission, he ran to the Senate, who were still sitting, to show them the bloody dagger. From this circumstance, he obtained the appellation of *Ahala;* for the dagger which he had concealed under his arm was in Latin said to be *sub alâ.*(59)

Such is the account of this transaction, which was given by Cincius, one of the earliest native historians, and Piso, who wrote a century before Livy. What their authority for it was, we cannot discover; but the most remarkable feature in it is that it denies the appointment of Cincinnatus as dictator, which is the leading incident of the other account. This variation makes it certain that one at least of the two versions was composed at a time when the events were imperfectly remembered, and without the assistance of authentic records: for a fact so public as the appointment of a dictator must have been notorious to contemporaries, and would also have been a matter of record, if the

(59) Cicero, Orator, c. 45, considers *ala* to be contracted from *axilla.* C. Servilius Axilla, whose name occurs in the Capitoline Fasti for 418 B.C., is called Servilius Ahala by Livy, iv. 46. See Livy, iv. 12—5; Dion. Hal. lib. xii. in Fragm. Hist. Gr. vol. ii. p. xxxi.—xxxvi. ed. Didot, lately printed from a MS. in the library of the Escurial. Compare xii. 1 and 2, ed. Mai.

official registers of the year had been preserved.(60) The improbability in it which struck Dionysius is doubtless the removal of Mælius by an act little better than one of private assassination. It should be observed however that Plutarch, in his life of Brutus, gives incidentally the same account of the killing of Mælius by Servilius Ahala.(61)

We are further told that the house of Mælius was demolished, and that the site of it, kept vacant, was afterwards called *Æquimelium*.(62) Minucius was honoured with a statue; the plebs having, it is said, been mitigated by a nearly gratuitous distribution of the forfeited corn of Mælius.(63) Some authorities, cited by Livy, affirmed that Minucius went over from the patricians to the plebs; that he was appointed eleventh tribune;(64) and that he appeased a sedition caused by the death of Mælius: Livy however discredits this statement. Three of the tribunes refused to join in the honours to Minucius, and pressed for the appointment of military tribunes, thinking that some of them would be plebeians, who would revive the subject of Mælius. Military tribunes were appointed for the next year, but they

(60) Livy mentions the appointment of Minucius as præfectus annonæ in the year 440 B.C. With respect to the following year, he says, it is uncertain whether Minucius was reappointed, or merely continued to act, having been appointed for an indefinite term; 'nihil enim constat, nisi in libros linteos utroque anno relatum inter magistratus præfecti nomen;' iv. 23. If the *libri lintei* contained a complete and authentic list of the magistrates of this year, made at or near the time, no doubt ought to have existed as to the fact of the dictatorship of Cincinnatus.

(61) Brut. i. He mentions Servilius as putting the dagger ὑπὸ μάλης, but he says nothing of the origin of the name *Ahala*. The mother of Brutus was a Servilia, which causes Plutarch to tell the story.

(62) Livy, iv. 16; Dion. Hal. ib. p. xxxvi. and xii. 1; Val. Max. vi. 3, § 1; Varro de L. L. v. § 157; Victor de Vir. Illust. c. 17. The passage of Dionysius (which is now completed from the lately discovered fragments) does not, as Becker, vol. i. p. 486, supposes, refer to another origin of the word. What he means is, that the place was first called *Mælium* (from *Mælius*), and that afterwards the word *Æquum* coalesced with it.

(63) Livy, iv. 16, where the insertion of the words *et statua* (proposed by Niebuhr, vol. ii. n. 937) seems to me to be needed. Alschefski however defends the received text, and supposes *bove aurato* to mean the gilt statue of an ox. More probably its meaning is the same as the reward of Decius, in vii. 37; Plin. H. N. xvii. 4, xxxiv. 11. Niebuhr, p. 424, considers this reward of Minucius 'a well-attested statement.'

(64) The circumstance of Minucius being eleventh tribune is also mentioned by Plin. xviii. 4.

were only three in number, and all patricians, one of whom was the son of Cincinnatus, the late dictator. Livy adds in a subsequent year (435 B.C.) that Sp. Mælius, a tribune, gave Minucius notice of trial, and brought forward a rogation for the confiscation of the goods of Servilius Ahala; on the ground that Mælius had been falsely accused by Minucius, and that Servilius had slain a citizen without trial. Neither the tribune however, Livy remarks, nor his arguments had any weight with the people.(65) On the other hand, the oration pro Domo speaks of Servilius Ahala as having been unjustly banished by the people, but as having been afterwards recalled by them from exile.(66) His banishment is likewise mentioned by Valerius Maximus.(67)

All the ancient writers describe Mælius as an ambitious man, who, under the mask of liberality, was seeking supreme power for himself. They likewise approve of the act of Servilius Ahala; and those who mention his condemnation by the people, speak of it with disapprobation.(68) Some modern historians however acquit Mælius of any treasonable design, and represent him as a murdered man, the victim of the selfish fears and jealousies of the patricians.(69) In the state of our information, however (the uncertainty of which is sufficiently apparent from the preceding comparison), it would be vain to attempt to form any opinion on this subject. The conduct of Mælius with respect to the distribution of corn is not only innocent, but laudable: whether, under the cover of this popular proceeding, he had

(65) Livy, iv. 21.

(66) Cic. pro Domo, 32. The 'offensio Ahalæ' alluded to by Cic. de Rep. i. 3, when taken with the context, must be understood to refer to some serious mark of popular disfavour to Ahala.

(67) Val. Max. v. 3, § 2.

(68) Ahala was coupled with Junius Brutus, as a tyrannicide, see Cic. Ep. ad Att. xiii. 40, and above, p. 270, n. 55. Livy states that the conduct of Servilius Ahala was referred to in the Senate, in 384 B.C., 55 years after the time, as a precedent for a summary proceeding against Manlius, who was accused of aiming at despotic power, vi. 19. Manlius is also described as referring to the conduct of Cincinnatus, ib. 18.

(69) This view was first propounded by Hooke, in a note to b. 2, c. 14, of his History. It has since been developed at greater length by Niebuhr, Hist. vol. ii. p. 418—24, Lect. vol. i. p. 230; Arnold, vol. i. p. 354—361.

carried on plans of a treasonable nature, is a question which we are not in a condition to solve, if we reject the positive assurances of our historians as to his guilt. The guilt or innocence of state criminals is sometimes a doubtful historical question even for times when prisoners had a public trial, and the proceedings of the trial were recorded by short-hand writers. How can we venture to pronounce upon this case, when we know nothing of the means by which the memory of the transaction was preserved,(70) and when the received story says that he was put to death by Servilius, as master of the horse, acting under the instructions of Cincinnatus, appointed dictator on account of the very treason imputed to Mælius; when the other, and apparently the best attested story, denies that there was any dictator or master of the horse, and makes Servilius act under the immediate instructions of the Senate? If such patent facts as these are in doubt, what can we know with certainty about the secret acts of an untried man? Niebuhr mainly rests his opinion upon the condemnation of Ahala by the people, and his consequent exile: which he considers to be a well-attested fact. It is indeed mentioned by Cicero and Valerius Maximus; but it is negatived by Livy, who says that an accusation preferred against him by a tribune was repudiated by the people.(71) Even if his condemnation, actual or virtual, were an ascertained fact, it would be necessary that we should know the circumstances under which it took place, in order to treat it as evidence of guilt. In the eye of a historian, the condemnation of a state prisoner by a court of justice is not a proof of his guilt more than the adoption of a law by a legislative assembly is a proof of its goodness. Lastly, it should be observed that two portions of the story come to us

(70) After having related the common account, Dr. Arnold proceeds thus: 'Such is the story which the traditions or memoirs of the Quinctian and Servilian families handed down, and which the annalists adopted on their authority;' ib. p. 357. This however is only his supposition; nothing is known as to the source from which the Roman annalists obtained their accounts. Niebuhr, ib. p. 422, also speaks of 'the traditions of the Quinctian and Servilian houses.'

(71) C. Servilius Ahala was master of the horse in 439 B.C. Another C. Servilius Ahala occurs as consul in 427 B.C., twelve years later. There seems to be no reason why these should not be the same person; Livy, iv. 30.

in the suspicious form of etymological explanations of proper names.(72)

§ 60 The event next in succession concerns, not the domestic, but the foreign relations of the Republic. Fidenæ, a Roman colony, revolts to the Veientes, and to their king, Lars Tolumnius. Four ambassadors are sent by the Romans to demand an explanation; but they are put to death by the Fidenates, at the command of the Veientine king.(73) Statues of these ambassadors, who had undertaken a perilous duty, and had died in the performance of it, were erected at the public cost in the rostra, and were extant in the times of Cicero and Pliny.(74) War was immediately commenced with the Veientes, and a dear bought victory was obtained. In this anxious state of affairs, a dictator is appointed. Mamercus Æmilius is selected for the post, and he names the young Cincinnatus his master of the horse.(75) A battle ensues against the Veientes and their allies, in which the Romans are victorious; and A. Cornelius Cossus, a military tribune, rides at the king, dismounts him with his spear, then kills him, strips him of his armour, cuts off his head, and carries it away on the point of a javelin.(76) The

(72) Namely, Ahala and Æquimelium. Becker, ib., doubts the historical nature of the origin of the name Æquimelium, and thinks it is one of the many explanations of unintelligible names, from a mere resemblance of sounds.

(73) The execution of the Roman ambassadors by order of Tolumnius is recognised by the Veientine Senate in an answer given to a subsequent Roman embassy, in 406 B.C., thirty-two years afterwards; Livy, iv. 58.

(74) Livy, iv. 17; Cic. Philipp. ix. 2; Plin. N. H. xxxiv. 11. The words of Cicero, 'quorum statuæ in rostris steterunt usque ad nostram memoriam,' seem to imply that they had been removed before the time when he was speaking. Pliny, on the other hand, speaks of them as being among the most ancient statues. Hence Niebuhr conjectures that Pliny mistook copies for originals; vol. ii. n. 1004. The names of the four ambassadors in Livy and in Pliny agree, except that Livy has *Sp. Antius* and Pliny *Sp. Nautius*. Compare Becker, vol. i. p. 291.

(75) Eutropius follows Livy in making L. Cincinnatus the master of the horse in this dictatorship, i. 19.

(76) Dionysius, in a fragment of his twelfth book, describes the encounter between A. Cornelius Cossus and Lars Tolumnius; they ride at one another, the spear of Tolumnius enters the breast of the horse of Cossus, but the spear of Cossus pierces Tolumnius himself through his shield and cuirass—Cossus afterwards despatches him with his sword. The king's death disheartens the army. Dionysius describes Tolumnius as

defeat of the army follows upon the death of the king; and a triumph is decreed to the dictator. But the chief object of popular attention on that day, says Livy, was the tribune Cossus, bearing the *spolia opima* of the king whom he had killed with his own hand; the soldiers celebrated him in rude verses, comparing him with Romulus; and after the celebration of the triumph, he dedicated the spoils of Tolumnius in the temple of Jupiter Feretrius, close to those previously consecrated by the founder of the state.(77) Having given this account, Livy subjoins a correction, which he must have inserted after his narrative of this transaction had been composed, and perhaps after his history had been published. He simply adds it, as the result of subsequent information, but without altering what he had previously written. He states in this passage that in the foregoing narrative he had, on the authority of all previous writers, described Cossus as a military tribune, when he dedicated the *spolia opima* of Tolumnius; but he had since been informed by Augustus Cæsar, who, in his restoration of the ruined temples,(78) had personally inspected the temple of Jupiter Feretrius, that the inscription on the linen cuirass(79) of Tolumnius there preserved designated Cossus not as military tribune, but as consul. Livy considers that the spoils taken by one general from another were alone called *spolia opima*, though this use of the term seems not to have been fixed; he thinks that the year 428 B.C., in which alone the ancient histories, and the lists of magistrates in the linen books preserved in the temple of Moneta, and cited by Licinius Macer,

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πάνδεινα ποιῶν κατ' αὐτῶν, which expression alludes to the murder of the ambassadors, xii. 2.

(77) Livy, iv. 17—20. The same account of Cossus is repeated in c. 32, in the speech of Æmilius.

(78) See Horat. Carm. iii. 6; Suet. Oct. 30.

(79) The epithet λινοθώρηξ occurs twice in the Homeric catalogue, once applied to Ajax the son of Oileus, Iliad ii. 529, 830. Herod. iii. 47, mentions a linen thorax as having been sent as a present by Amasis to the Lacedæmonians, and another as having been dedicated by him in the temple of Minerva at Lindus in Rhodes. Some fragments of the latter were extant in the time of Pliny, H. N. xix. 2. Linen breast-armour was also used in later times; see Nepos Iphicrat. 1, Suet. Galba, 19, and the commentators.

recognised Cossus as consul, is not suited to this battle; he admits that there is less objection to the year 426 B.C., when Cossus was consular tribune and master of the horse, and also fought another great equestrian combat; but on the whole he seems to conclude (though his language is obscure) that the inscription is decisive in favour of Cornelius Cossus being consul in the year to which the battle is usually assigned.(80)

If we suppose the inscription upon the armour of Tolumnius to have been placed upon it when the spoils were dedicated, the argument of Livy is conclusive. It is however possible that the inscription may have been subsequent to the consulship of Cossus, and that the spoils may have been called *spolia opima*, though they were taken from the commander of the enemy by a military tribune.(81) What is however most remarkable in Livy's treatment of the subject, is the state of uncertainty in which he leaves it. After having given a minute description of the appearance of Cossus at the triumph of the dictator, and of his diverting the popular attention from the principal personage, Livy makes no attempt to estimate the value of the unanimous account of the preceding historians, corroborated by the list of magistrates in the linen registers. If this account was attested by contemporary evidence, it was natural to look out for some mode of explaining the inscription, consistently with the hypothesis that Cossus was not consul in the year when Tolumnius was slain. If on the other hand this account was insufficiently attested, the hypothesis that Cossus was consul when he dedicated the spoils is not improbable.

All the accounts agree in stating that there were three *spolia opima;* the first taken by Romulus from Acron, king of the Cæninenses; the second taken by Cossus from Tolumnius; the third taken by Marcellus from Viridomarus, a king of the Gauls.(82) Aurelius Victor represents Cossus as master of the

(80) Ib. c. 20. Compare Niebuhr, Hist. vol. ii. n. 1011.

(81) See Festus in opima, p. 186.

(82) See Plut. Rom. 16, who states that Cossus triumphed in a chariot drawn by four horses, Marcell. 8; Festus in opima spolia, Val. Max. iii.

horse to Cincinnatus, when he killed Tolumnius: Valerius Maximus speaks of him as master of the horse on the same occasion. The article in Festus describes Cossus as consul, when he gained these spoils: Dionysius and Servius agree with the received account, in calling him a military tribune.(83) An entirely different story is followed by Propertius. He describes the Romans as besieging Veii, and Tolumnius as parleying with them from the walls. Cossus challenges him to a single combat in the open plain; the challenge is accepted—Tolumnius falls, and Cossus carries away his head as a trophy. The latter is the only circumstance in the story which agrees with the account in Livy. These events are again presented in a different light by Diodorus. He places the slaughter of the ambassadors in the year in which Cossus is consular tribune, and afterwards master of the horse to Mam. Æmilius (426 B.C.), and states that there was a great but indecisive battle with the Fidenates.(84) This account confounds in one the events which Livy assigns to two distinct years, 437 B.C. and 426 B.C., divided by an entire decennium. Livy moreover describes the Fidenates on both occasions as defeated. Diodorus seems either to have confounded two dictatorships of Æmilius, or to have followed some account in which they were not distinguished.

§ 61 In 435 B.C., the Fidenates and Veientes appear under the walls of Rome. In consequence of the alarm, A. Servilius is appointed dictator, who besieges Fidenæ, and takes it by a mine. In the next year, an invasion of all the Etruscan nations is threatened, and Æmilius is appointed dictator: it appeared however that the report was premature, and the dictator, in

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2, § 3-5; Victor, de Vir. Ill. 25; Servius ad Æn. vi. 842, 856; Propert. v. 10.

(83) Opima magnifica et ampla. Unde spolia quoque quæ dux populi Romani duci hostium detraxit; quorum tanta raritas est, ut intra annos paulo [minus quingentos triginta, tantum] trina contigerint nomini Romano. Una, quæ Romulus de Acrone; altera, quæ consul Cossus Cornelius de Tolumnio; tertia quæ M. Marcellus Jovi Feretrio de Viridomaro fixerunt. Festus, p. 186. Some of the MSS. of Servius make him a consular tribune. Dion. Hal. xii. 2, calls him χίλιαρχός τις Ῥωμαῖος.

(84) xii. 80. Niebuhr supposes that Diodorus followed Fabius; Hist. vol. ii. p. 457, 461. This however is mere conjecture.

order to justify his appointment, proposed and carried the reduction of the term of the newly created office of censors from five years to eighteen months. Livy tells us that the censors revenged themselves for this proceeding upon Æmilius, after he had resigned his office, by degrading him to an inferior tribe, and by increasing his taxable assessment eightfold.(85) As the censorship had now only been established nine years, and therefore only two censors could have held the office for the full quinquennial term, it seems highly improbable that the reduction of the term of the office should have led to so outrageous a retaliation, or that Æmilius should have quietly submitted to this arbitrary punishment for a legal act, which was within his competence, which was merely proposed by himself, and which the people at large had sanctioned by their vote.

The following is Livy's account of the consuls of this year (434 B. C.). He reports the statement of Licinius Macer to be, that Julius and Virginius, the consuls of the previous year, were re-appointed. On the other hand, he says Valerius Antias and Q. Tubero stated that M. Manlius and Q. Sulpicius were the consuls: Macer and Tubero, notwithstanding their discrepancy, both appealing to the *libri lintei;* and both admitting that the ancient writers described it as a year of consular tribunes. Macer held that the authority of the *libri lintei* was supreme; Tubero doubted; and Livy leaves the question undecided, classing it with other facts which on account of their antiquity were beyond the reach of certain knowledge.(86) The consular tribunes whom Livy mentions as assigned to this year by the ancient writers are probably those named by Diodorus; viz., M. Manlius, Q. Sulpicius Prætextatus, and S. Cornelius Cossus.(87)

(85) Livy, iv. 24.

(86) Eosdem consules insequenti anno refectos, Julium tertium, Virginium iterum, apud Macrum Licinium invenio. Valerius Antias et Q. Tubero M. Manlium et Q. Sulpicium consules in eum annum edunt. Ceterum in tam discrepante editione et Tubero et Macer libros linteos auctores profitentur: neuter tribunos militum eo anno fuisse traditum a scriptoribus antiquis dissimulat. Licinio libros haud dubie sequi linteos placet, et Tubero incertus veri est; sed inter cetera vetustate incomperta hoc quoque in incerto positum; iv. 23.

(87) xii. 53.

The first two of these, it should be observed, are identical with the consuls reported by Valerius Antias and Tubero. With respect, therefore, to the chief magistracy for this year, the ancient authorities are divided in the following manner:—

1 C. Julius and L. Virginius consuls, according to Macer.

2 M. Manlius and Q. Sulpicius consuls, according to Valerius Antias and Tubero.

3 M. Manlius, Q. Sulpicius, and S. Cornelius Cossus, consular tribunes, according to Diodorus. Other ancient historians likewise assigned consular tribunes to this year.

We have already met with similar instances of uncertainty as to the names of the chief magistrates at this period: thus the version of the story of Mælius given by Cincius and Piso excluded the dictatorship of Cincinnatus, which is a necessary part of the received version; and again, there is a grave doubt whether Cossus was not consul at the time when he killed Tolumnius, instead of being merely a military tribune, as the common account represented him. There was likewise a controversy whether consuls were or were not appointed in the place of the consular tribunes, in the year 444 B.C. Now although the name of a consul or a dictator in a particular year may not be a matter of much interest to a modern reader, yet discrepancies such as these are utterly inconsistent with the supposition of authentic lists of magistrates faithfully preserved. It is to be remembered that the dictators, the consuls, and the consular tribunes were, for the time, the chief magistrates in the state: they were the depositaries of the supreme political power; and their contemporaries could have had no doubt who filled those offices. No fact is more notorious than the identity of persons at the head of the state; and if a contemporary register of magistrates was kept, there could have been no uncertainty about their names. Since history has been written from contemporary official records, such questions as these never arise. In modern history, we find questions as to the character, conduct, motives, or acts, of a certain minister or general, but we never find a discussion whether such a person was or was not at

the head of the civil or military affairs of the country at a certain time. What should we think of a paragraph in a historical work to the following effect? 'Some writers affirm that Mr. Pitt died in 1806; that he was succeeded in the office of Prime Minister by Lord Grenville, and that Mr. Fox became at the same time leader of the House of Commons. This report is however denied by other historians, who assert that Lord Grenville was not prime minister in 1806, but that Mr. Pitt lived till 1807, when he was succeeded in the office of Prime Minister by the Duke of Portland. It is declared on both hands that the records of the Treasury have been searched; and one set of authorities affirms that Mr. Pitt appears from them to have held the office of Prime Minister during the whole of 1806; while another set declares that Lord Grenville's name is recorded during the chief part of the year. It is related by some chroniclers that Mr. Fox was Secretary of State and leader of the House of Commons under the Duke of Portland in 1807: but many historians represent Mr. Fox as having died in 1806; and it is uncertain whether this other account does not rather refer to the year 1783, when the annals contain the names of the Duke of Portland as First Lord of the Treasury and Mr. Fox as Secretary of State.' Yet absurd as such historical uncertainties appear when transferred to the events of modern times, they are not different in kind from those which are described in several places by the classical historians of this period. A consul or a dictator was at least as much to a Roman as a Prime Minister or a Secretary of State is to an Englishman. What makes the discrepancies respecting such patent and notorious facts as the name of a consul the more remarkable, is, that we have for the same period accounts of minute details, which imply the close observation of a well-informed contemporary. So that we have a history of which the accessories are known, while the substance is uncertain.

§ 62 The account of the unwillingness of the consuls to appoint a dictator in 431 B.C., and the interference of the tribunes to compel one of the consuls to nominate, is a curious

passage in the constitutional history of Rome.(88) It is likewise one out of many examples which prove the impossibility of separating the history of the constitution from the history of political occurrences; and the consequent unsoundness of the doctrine, that although the events in Roman annals may be fabulous, the constitutional changes are all real.(89) A. Postumius Tubertus is the dictator, and he gains a great battle against the Volscians and Æquians.(90) According to some accounts, Postumius caused his son to be put to death, after this battle, for a breach of discipline, which consisted in his leaving his post in order to kill an enemy. Livy says that the accounts differed, and the story might be either credited or discredited; he himself disbelieves it, chiefly because the execution of a son by a father was named after Manlius, not Postumius.(91) On the other hand, Diodorus, Valerius Maximus, and Gellius, relate that Postumius ordered the execution of his son on this occasion.(92) It will be observed that Livy proposes to decide this question by merely indirect arguments; and that he does not attempt to examine the testimonies by which the different accounts are supported, and to weigh them against one another.

Livy here inserts a notice, that in this year the Carthaginians, who were destined to be afterwards such formidable enemies to Rome, for the first time sent an army to Sicily in order to assist one of the parties in a dispute between two Sicilian states.(93) This entry is made under 431 B.C., the first year of the Peloponnesian war. It seems highly improbable that the expedition of Hamilcar(94) in 480 B.C., should be referred to; and it can

(88) Livy, iv. 26. (89) See above, ch. iv. § 5.

(90) Camillus first distinguished himself in this battle; Plut. Cam. 2.

(91) Nec libet credere, et licet, in variis opinionibus; et argumento est, quod imperia Manliana, non Postumiana, appellata sint; quum qui prior auctor tam sævi exempli foret, occupaturus insignem titulum crudelitatis fuerit; iv. 29.

(92) Diod. xii. 64, who agrees with Livy in making L. Julius master of the horse. Val. Max. ii. 7, § 6; Gell. xvii. 21, § 17. In i. 13, § 7, Gellius speaks of the 'Postumiana imperia et Manliana.' The triumph of Postumus Tubertus over the Volscians and Æquians for a battle in the Algidus is mentioned by Ovid. Fast. vi. 715-8.

(93) Livy, iv. 29. (94) Herod. vii 165-8; Diod. xi. 20.

scarcely be doubted that the great expedition of Hannibal, in 409 B.C., caused by the dispute of the Egestæans and Selinuntines, is intended; although it occurred above twenty years after the time specified by Livy.(95) As the error antedates the event by twenty years, it could not have been made till some time after the memory of the real expedition had faded away. It is conceivable that a contemporary entry by an official Roman annalist might have contained an inaccurate account of transactions in Sicily: but although rumour might have disfigured the truth, there could have been no mistake as to the time. For instance, an incorrect description of a battle in the interior of China might now reach this country; but it would arrive soon after the time when the battle had been fought, and its mention in a newspaper would be good chronological evidence, though the account itself might be defective.

Two other foreign events were recorded in the Roman histories of this period, in which Rome had a more immediate interest than in the affairs of Sicily. Livy mentions the capture of Capua from the Etruscans by the Samnites, in 423 B.C.,(96) and the capture of Cumæ from the Greeks by the Campanians, three years later.(97) The Campanians are here equivalent to the Samnites, and hence Livy speaks of the Samnites being in possession of Capua and Cumæ in 411 B.C.(98) Diodorus places the capture of Cumæ by the Campanians in 428 B.C.:(99) which, for an event of this date, is a tolerably close agreement with Livy.

§ 63 The contest with the Veientes, which had originated in the murder of the Roman ambassadors, is now continued after a short truce. The question of war or peace was referred to the people, and all the centuries voted for war.(100) It was

(95) Diod. xiii. 54. (96) Livy, iv. 37, cf. vii. 38, x. 38, xxviii. 28.
(97) c. 44. (98) c. 52.
(99) xii. 76. He refers the origin of nation and name of the Campanians to the same year 445 B.C. xii. 31. Eusebius, Chron., refers the same event to the sixteenth consulship = 444 B.C. Compare Strabo, v. 4, 4; Müller, Etr. vol. i. p. 178.
(100) Livy, iv. 30.

conducted by three consular tribunes, whose divided command produced a want of unity of action, and led to a reverse. The city was displeased, and wished for a dictator: but a religious or constitutional scruple arose, whether a consular tribune possessed the same power of nomination as a consul for this purpose. The augurs were consulted, and removed the difficulty; whereupon A. Cornelius Cossus, the consular tribune who had charge of the town,(101) appointed Mam. Æmilius dictator, who in turn appointed him master of the horse. The success of the Veientes induces the Fidenates again to revolt, whose town, though captured only nine years before, is now described as again in their possession. A great battle takes place, in which, according to Livy, the Romans were victorious; according to Diodorus, neither party gained the advantage.(102) Livy informs us that some histories contained a statement that there was at this time a naval action near Fidenæ with the Veientes: this account naturally appears to him absurd, in reference to the width of the Tiber at that spot; but the attempt to explain it, by supposing that Livy misunderstood the meaning of the word *classis*, and did not know that in old Latin it denoted a multitude of men as well as of ships,(103) is highly unsatisfactory.(104) An armistice of twenty years is soon afterwards concluded with Veii.(105)

§ 64 After an unsuccessful campaign against the Æquians, under the consul Sempronius, which is recovered by a subsequent victory, a proposal is made by the consuls, and approved by the Senate, for doubling the number of quæstors; in order that, besides the two stationed in the city, there might be two appointed to attend the consuls during war. Up to this time none but patricians had been created quæstors; the tribunes took advantage of the proposal for doubling the number, to

(101) It seems strange that Cossus, who was a man of active bravery, should have been the consular tribune left at home.

(102) Livy, iv. 31-4; Diod. xii. 80. (103) See Becker, ii. 1, p. 198.

(104) See the commentators on Livy, iv. 34, and Niebuhr, Hist. vol. ii. p. 461.

(105) Livy, iv. 35.

propose that a certain number of the quæstors should be plebeians. The Senate were willing to render plebeians eligible, as in the case of consular tribunes, but would not agree to a fixed number: the proposal was accordingly withdrawn.(106) Much discord now prevailed between the orders; the Senate wished for consuls, and the people for consular tribunes: the elections were delayed for a long time, till at last, L. Papirius, an interrex, persuaded both parties to compromise their dispute on the following terms; namely, that consular tribunes should be elected, and that four quæstors should be chosen promiscuously from patricians and plebeians. The elections were then held, and the singular result was, that four consular tribunes and four quæstors were elected, all patricians. (420 B.C.) (107) It was not till 409 B.C., after an interval of eleven years, that the plebeians succeeded in making their way to the quæstorship; in this year, three out of the four quæstors were plebeians.(108) The first plebeian consular tribune was not elected till 400 B.C.; the office having been opened to the plebeians in 444 B.C., so that they had much less difficulty in reaching the quæstorship than the consular tribunate.

An entirely different account of the history of the quæstorship is given incidentally by Tacitus. He states that the quæstors were chosen first by the kings, and afterwards by the consuls; but that the election was transferred to the people, and that Valerius Potitus and Mam. Æmilius were appointed in this manner, in the sixty-third year after the expulsion of the Tarquins (446 B.C.), in order that they might be present in the field: afterwards, as their duties increased, two more were added, in order to attend to the business at Rome.(109)

(106) The reasons assigned by Niebuhr for the withdrawal of this measure are quite imaginary; Hist. vol. ii. p. 431.

(107) Livy, iv. 43-4. The tribunes of the plebs complain 'non suis beneficiis, non patrum injuriis, *non denique usurpandi libidine, quum liceat, quod ante non licuerit*, si non tribunum militarem, ne quæstorem quidem quemquam ex plebe factum;' ib. 44. *Usurpare jus* is to exercise a right, for the purpose of asserting it. See v. 12.

(108) Livy, iv. 54.

(109) Ann. xi. 22. Compare Becker, ii. 2, p. 338.

It is impossible to reconcile any part of this account with the representation in Livy. Neither the transfer of the appointment from the consuls to the people, nor the time when the first quæstors were elected, nor the priority of the military to the urban quæstors, agrees with Livy's statements. In this, as in other cases, the accounts of the origin of an ancient institution, given by different writers, are wholly irreconcilable.

§ 65 In 410 B.C., the citadel of Carventum is retaken from the Æquians,(110) but in the following year falls again into their hands. Livy says that the accounts differed as to whether both consuls marched against Carventum, or whether one staid at home for holding the comitia; all however agreed in reporting that the attempt on Carventum was unsuccessful, but that Verrugo, a Volscian town, was recovered by the same army, and that much plunder was collected from the Æquian and Volscian territory.(111) The Volscians and Æquians now arm again, and threaten another attack upon Rome. The Senate, in alarm, pass a decree for the election of a dictator; but two of the consular tribunes for the year, unwilling that the management of affairs should pass out of their hands, refuse to act. The Senate appeal to the tribunes; but they, rejoicing in the discord of the patricians, decline to help them out of their difficulty. At last, the third consular tribune declares that he prefers the public interest to the goodwill of his colleagues, and that if the Senate persist in their present wish, he will take upon himself to name a dictator in the next night.(112) The dictator is accordingly named, and the enemy is speedily defeated.(113)

§ 66 In the year 407 B C., the twenty years' armistice made with Veii, is stated by Livy to have expired; but this statement

(110) Livy, iv. 53.

(111) Consules ambo profecti sint ad arcem C rventanam, an alter ad comitia habenda substiterit, incertum diversi auctores faciunt: illa pro certo habenda, in quibus non dissentiunt, ab arce Carventanâ, &c.; iv. 55.

(112) Concerning the nomination of the dictator during the night, see Livy, viii. 23, and Becker, ii. 2, p. 160. This singular custom seems to indicate the necessity for secrecy and rapidity involved in the appointment of this extraordinary officer.

(113) Livy, iv. 56-7.

cannot be reconciled with his own chronology, which places its commencement in 425 B.C., only eighteen years earlier.(114) The relations of Rome and Veii at this time, and the grounds of the Veientine war, as they appear in Livy, are not very intelligible. According to his account, the Romans, upon the expiration of the truce, sent ambassadors to Veii to demand redress; but they were met on the frontier by the Veientes, with a request that no demand should be made by the Romans upon them before they had delivered a message to the Senate. The Senate acceded to this request, on the ground that the Veientes were in a state of internal discord; and they consented to postpone their demand for reparation of injuries; so little disposition was there, adds Livy, to take advantage of the weakness of Veii. In the next year, ambassadors were sent from Rome to make this demand; but although the Veientes had, in the previous year, obtained a delay from the generous forbearance of the Romans, on the ground that they wished to make a prior offer, no such offer is made, and when the Roman ambassadors arrive, the answer which they receive is, that if they do not speedily quit the Veientine territory, they will be treated as their predecessors had been treated by Tolumnius. The sudden change in the tone of the Veientes, and in their mode of proceeding, though it may

(114) Livy, iv. 35, 58; Niebuhr, Hist. vol. i. p. 283, vol. ii. p. 461, Lect. vol. i. p. 244, attempts to remove this inconsistency, by supposing that years of ten months are meant. But the Roman civil year at this time seems to have contained all the twelve months, and we are not entitled to make such a hypothesis upon mere conjecture, for the purpose of reconciling discrepant statements in our historians. Dr. Arnold proposes another solution. He rejects the distinct statement of Livy that the truce had expired (exierat) in 407 B.C., and he assumes that it did not in fact expire until 409 B.C., the year in which the war began. He thinks that the Romans would not have wasted these two years in inactivity; but it is to be observed that, according to Livy, they were fully occupied during this interval with hostilities against the Volscians. The Senate likewise meet with opposition from the people in declaring war, and it is only by making a popular concession that they are at last able to carry their point. The narrative of Livy, assuming it to be true, completely accounts for the postponement of the war until two years after the expiration of the peace. The reference to Thuc. v. 14, merely proves that negotiations might be begun before the expiration of a treaty; as to which there can be no doubt. Hist. of Rome, vol. i. p. 368.

be true, is not explained:[115] nor is it easy to perceive what are the precise injuries for which the Romans at this moment demand redress. The slaughter of the ambassadors is placed in 438 B.C. War with the Veientes is its consequence, and the great battle with them, in which Tolumnius is killed by Cossus, and the *spolia opima* are gained, occurs in the following year. Hostilities with the Veientes recur in 436 and 435 B.C.[116] In 432 B.C., they apply to the other Etruscans for assistance against Rome.[117] In 429 B.C., they ravage the Roman territory: two years afterwards feciales are sent to demand reparation, a truce made with them in 435 B.C., not having expired; the Veientes however refuse even to hear the message of the feciales. War is then declared by Rome,[118] but the early part of the campaign is unprosperous; a dictator is thereupon appointed, and the Veientes are defeated in 426 B.C.[119] In the next year, 425 B.C., the victorious Romans grant them a twenty years' truce;[120] and we hear nothing more of them until 407 B.C., when the truce is described as having expired. Niebuhr supposes that the injury for which the Romans demanded reparation in 406 B.C., was the murder of the ambassadors;[121] but this

(115) Niebuhr thinks it extremely improbable that Veii should have sent an arrogant and insulting answer to the demands of Rome, even if we did not find a statement that it had prayed for forbearance the year before; Hist. vol. ii. p. 469.

(116) Livy, iv. 21-1. (117) Ib. 25.

(118) Ib. 30. (119) Ib. 31-4.

(120) Veientibus annorum viginti induciæ datæ; ib. 35. Livy remarks, under 415 B.C., that there would have been two wars in this year, if the Veientine war had not been deferred by a religious scruple caused by an inundation of the Tiber; iv. 49. There is nothing in the rest of the narrative to explain why there should have been a war with Veii at this time. The twenty years' truce still subsists, and no new injury is mentioned. The religious scruple moreover, which is stated to avert the war, is obscure. When the truce expires, eight years afterwards, the Romans do not make war, but demand reparation.

(121) Hist. vol. ii. p. 467. Niebuhr indeed somewhat diminishes the difficulty by placing the violation of the ambassadors and the death of Tolumnius in 426, after Diodorus; but this arrangement is quite inconsistent with the detailed narrative of Livy. Niebuhr justly remarks that the leniency of the Romans to Fidenæ, at its first capture in 437 B.C., and their postponement of its demolition to a second capture in 426 B.C., is not easily reconcilable with the murder of the ambassadors by the Fidenates in 438 B.C.; Hist. ib. p. 457, 460. This however is an inconsistency in the narrative, which we can observe, but cannot explain or remove.

injury was then above thirty years old; and the proper time for exacting retribution for it was immediately after the victories of 437 and 426 B.C. The grant of a twenty years' truce, in 425 B.C., and its observance by the Romans, was a virtual condonation for the murder of the ambassadors; besides, the injury for which the feciales had demanded redress in 427 B.C., was, not the violation of the ambassadors, but the devastation of the Roman territory during the existence of an armistice. Whatever legitimate grounds of complaint there might be against the Veientes, it seems strange conduct on the part of the Romans to sleep over their wrongs for eighteen or twenty years, during the entire continuance of a truce granted by themselves; and at the end of this long period, to demand reparation.(122)

§ 67 As soon as the message of defiance from Veii is received, the Senate pass a decree, requiring the consular tribunes to put the question of war immediately to the vote in the popular assembly. This measure however meets with great resistance, owing to a Volscian war being in a still unsettled state. A Roman garrison, in a strong place named Verrugo, had been cut off by the Volscians in the previous year; and this act remained unpunished. Three armies were accordingly formed, and the Volscian territory was ravaged; the chief result however was, that Anxur (afterwards Tarracinæ) was taken,(123) and

(122) The grounds of the war against Veii are set forth by Appius Claudius, in his speech to the people, in the following passage: Septies rebellarunt, in pace nunquam fidi fuerunt, agros nostros millies depopulati sunt, Fidenates deficere a nobis coegerunt, colonos nostros ibi interfecerunt, auctores fuere contra jus gentium cædis impiæ legatorum nostrorum: Etruriam omnem adversus nos concitare voluerunt, hodieque id moliuntur; res repetentes legatos nostros haud procul afuit quin violarent; Livy, v. 4. (Compare iv. 32, where the Veientes are called 'hostis sexies victus.') All the wrongs here enumerated are prior to the twenty years' truce, except the renewed attempts to stir up the Etruscans against Rome, and the recent insult to the ambassadors. This latter, however, was subsequent to the demand for redress of injuries: so that the only new ground of offence during the last twenty years is contained in the vague charge of stirring up the Etruscans. The case against Veii as here represented is a cumulative one; the injuries being all of ancient dates. The statement of the causes of the war against Veii has unluckily fallen out of the text of Diodorus, xiv. 16.

(123) The capture of Anxur and the introduction of pay for the soldiers in this year are also mentioned by Diodorus, xiv. 16.

this ancient and wealthy town was given up to be plundered by the soldiers. The division of booty among the soldiers, instead of selling it on the account of the treasury, was always a popular act. It was, with respect to the moveable property of the enemy, what an agrarian law was with respect to their lands. The Senate however followed up this popular act by a general measure, still more popular: they decreed that every citizen who served in war should henceforth receive pay. This measure was received by the plebs with unbounded delight: their satisfaction and gratitude were expressed by the most unequivocal demonstrations. The announcement of the Senate was speedily followed by the imposition of a general property-tax, to which the patricians were the first to contribute; their contributions of copper money are described as having been conveyed in carts to the treasury. The plebeians soon followed their example, notwithstanding the opposition of the tribunes. A law for declaring war against the Veientes was now passed by the people; an army was levied, and the siege of Veii was commenced in form, in the year 405 B.C., being the last year but one of the Peloponnesian war.(124)

The war against Veii, therefore, like most of the Roman wars, is, notwithstanding the murder of the ambassadors, represented to us as unpopular: it is forced by the Senate upon the people, who at first refuse their consent, and at last are, as it were, cajoled into it by a dexterous concession, and by the popular arts of the patricians. Nothing can less bear the appearance of a vindictive war, commenced under the influence of resentment. The injury which is supposed to be the ground of the war, is thirty-three years old; and since its occurrence the Romans had made two truces with the Veientes, one of which lasted eighteen years. In the slow, but steady career of conquest which the Romans were pursuing, the existence of Veii, a powerful, wealthy, and fortified town, only twelve miles from Rome, though on the opposite side of the Tiber, could not but be a conspicuous object of national jealousy: what however

(124) Livy, iv. 58-61.

were the special causes which brought about the siege of Veii at this moment, we learn imperfectly from the narrative of Livy. It is likewise remarkable, that the introduction of pay for the soldiers in war, which Livy describes as having caused greater joy to the plebs than any previous measure(125)—greater even than the establishment of the tribunate—is now heard of for the first time, and that it is not mentioned as having ever been the subject of tribunician agitation. The law of debt, the monopolizing of the public lands, the exclusion of the plebeians from high offices, the non-existence of written laws, and other matters, are mentioned as plebeian grievances; but we never hear of the gratuitous service in war among them. Livy expressly states that one of the chief reasons why this concession was received with so much favour and gratitude was, that it was entirely spontaneous, and had never been demanded by the plebeians.(126) It seems strange that a concession which the Senate tender of their own accord, and which causes universal satisfaction, should never have been proposed by any tribune; it likewise seems strange that the Senate should concede a popular measure which is not asked for, while they still refuse to make other popular concessions which have been asked for, and which are extorted from them by subsequent pressure.

§ 68 Among the most important grievances of the plebeians is the management of the public lands; and this question recurs from time to time in Livy's narrative, during the interval

(125) Nihil acceptum unquam a plebe tanto gaudio traditur, iv. 60.

(126) Quum commoditas juvaret, rem familiarem saltem acquiescere eo tempore, quo corpus addictum atque operatum reipublicæ esset; tum, quod ultro sibi oblatum esset, non a tribunis plebis unquam agitatum, non suis sermonibus efflagitatum, id efficiebat multiplex gaudium cumulationemque gratiam rei; iv. 60. The only allusion to military pay as a subject of agitation is in iv. 36, where the popular candidates are represented as promising to propose a tax on the patrician occupiers of the public lands, to be applied to the pay of the soldiers (424 B.C.). No such proposal is however stated to have been made, and in fact no plebeian had been elected consular tribune before the siege of Veii. Appius Claudius is described by Dionysius as throwing out a suggestion to the same effect in a debate in the Senate at the time of the affair of Cassius (486 B.C.): he proposes to appropriate the rent of the possessors, which is in fact equivalent to a tax: τὸ δὲ προσιὸν ἐκ τῶν μισθώσεων ἀργύριον εἰς τοὺς ὀψωνιασμοὺς τῶν στρατευομένων ἀναλοῦσθαι, viii. 73. See above, p. 131.

between the decemvirate and the siege of Veii. Thus we learn that in 441 B.C., Pœtelius, the tribune, cannot prevail upon the consuls to propose to the Senate the division of lands among the plebs.(127) Among the popular promises of candidates in 424 B.C., are the division of public lands, and the sending out of colonies; also the imposition of a tax on the occupiers of the public lands, in order to form a fund for supplying pay to the soldiers.(128) The latter plan contemplates a rent or tax to be paid by the patricians who were in occupation of public land, as squatters, and without any legitimate title: it agrees with a suggestion said to have been made by Appius Claudius during the discussion of the original agrarian law of Cassius.(129) In 418 B.C., Lavici is conquered, and its territory is immediately divided by the Senate among 1500 settlers from Rome, who receive two jugera apiece (about one and a half acre).(130) This is an example of the division of conquered land immediately upon its acquisition, and before it has been wrongfully occupied by patricians. In the next year, however, an agrarian law of a different and a more extensive character is proposed by two tribunes of the plebs; their measure is applicable not merely to newly-conquered land, but to all land which had at any time been taken from the enemy. By this plebiscite, says Livy, the fortunes of a large part of the patricians would have been confiscated; for nearly all the Roman territory had been acquired by conquest, and all that had been sold or assigned by public authority was the exclusive property of the plebs. A fierce struggle seemed to be imminent, when Appius Claudius, the grandson of the decemvir, the youngest member of the Senate, recommended a recourse to the plan of gaining over some of the tribunes, first proposed by his ancestor.(131) This sugges-

(127) Livy, iv. 12. (128) Ib. c. 36.
(129) Above, n. 126.
(130) Livy, iv. 47. Some agrarian agitation had taken place in 421 B.C., ib. 43.
(131) The advice is stated to have been first given by Appius Claudius, in 480 B.C.; Livy, ii. 44, or in 481 B.C.; Dion. Hal. ix. 1. C. Claudius is reminded by Cincinnatus of his father's advice in 457 B.C., according to

tion is adopted, and when the proposal is made in the Senate, the other tribunes are appealed to, who intercede and suppress the motion, notwithstanding the reproaches of treachery to their order which they receive from their colleagues.(132) This passage illustrates the importance of the agrarian system in Rome, as a conquering state, compared with the Greek states, which were not continually enlarging their territory. It was of great moment that the lands acquired from time to time by arms, should be divided among the citizens upon equitable terms, and not unjustly and illegally appropriated by the patricians. Nevertheless, when a vicious system had been suffered to prevail, and possession of a large part of the public land had been wrongfully obtained by patricians; when this possession had been of considerable duration; when capital and labour had been expended upon the land; and when it had in many cases been the subject of sale, demise, or inheritance; a measure dispossessing the patrician occupiers, and ejecting them without compensation, could not fail to be harsh in its operation, and to engender strenuous opposition, however defective their original title might have been. A general measure of this sort, ascending to the commencement of the Roman conquests, conceding nothing to prescription, and ejecting every occupier from the public land who could not show a grant from the state,(133) whatever might have been the length of his possession, was very different from a law (such as that respecting Lavici in the preceding year), dividing the newly-acquired lands of a conquered state, from which the former owners had just been expelled, though both were called agrarian laws. Those therefore who speak, in general terms, of the justice or injustice of the agrarian laws, as one uniform class, should bear in mind that all

Dion. Hal. x. 30. If therefore these accounts are to be trusted, the memory of the advice given in 480 B.C. was kept up by subsequent allusions in 457 and 417 B.C.

(132) Livy, iv. 48.

(133) The tribunes who proposed the plan described by Livy, iv. 48, seem to have applied to the Roman state, considered as a proprietor, the modern legal maxim *nullum tempus occurrit regi*.

agrarian laws were not the same; but that one agrarian law differed materially from another; that much depended upon the circumstances of the portion of land which it was proposed to divide; and that we are not in a condition, on account of our necessary ignorance, to decide upon the merits of particular agrarian laws.(134) All that we can do is, to attempt to understand the system, and to estimate its general spirit and character.

Another case, illustrative of the mode of dealing with the public land, is referred to the year 414 B.C.(135) The town of Bolæ had been captured, and the consular tribune, Postumius, having promised his soldiers the plunder of the place, disappointed them by the revocation of his promise. Afterwards a tribune proposed an agrarian law for sending settlers to Bolæ, as in the case of Lavici; and he enforced his proposition by the argument that those who had taken the Bolan city and territory, deserved that the land should be divided among them. Postumius was heard to say, that it would be worse for his soldiers if they stirred in the matter; which speech, combined with the breach of his promise about the plunder,(136) so incensed his army that, after a mutiny and some cruel punishments, they stoned him to death. In the next year, the consuls punished the leaders of this mutiny,(137) but no division of the land took place: where-

(134) Cicero opposed the agrarian law proposed by the tribune Rullus, upon the very strong grounds stated in his Orations, and procured its rejection; but he nevertheless announces his approbation of the general principle of an agrarian law for the division of public lands: 'Nam vere dicam, Quirites, genus ipsum legis agrariæ vituperare non possum. Venit enim mihi in mentem duos clarissimos, ingeniosissimos, amantissimos plebis Romanæ viros, Ti. et C. Gracchos, plebem in agris publicis constituisse, qui agri a privatis antea possidebantur. Non sum autem ego is consul, qui, *ut plerique*, nefas esse arbitrer Gracchos laudare: quorum consiliis, sapientiâ, legibus, multas esse video reipublicæ partes constitutas;' De Leg. Agr. contra Rullum, Orat. ii. 5. Compare above, p. 158.

(135) Livy, iv. 49—51. The capture of Bolæ, in 414 B.C., is mentioned by Diod. xiii. 42. According to Livy, it was taken, and afterwards lost in 415 B.C., and recaptured in the following year.

(136) He was called, prædæ interceptor fraudatorque; Livy, iv. 50.

(137) The expression used by Livy on this occasion is, a plebe, *consensu populi*, consulibus negotium mandatur; c. 51. It appears to support the hypothesis of Niebuhr that *populus* denotes the patricians, as distinguished

upon Livy remarks that, after the vindication of military discipline, it was a fit time for soothing the minds of the people by a division of the Bolan territory; this measure would also have diminished the desire for an agrarian law to eject the patricians from the public land which they had wrongfully occupied. They were, he adds, exasperated at seeing that the patricians not only persisted in keeping forcible possession of the public lands in their occupation, but that they would not even divide among the plebeians the unoccupied land recently taken from the enemy; and that this, like the rest, would shortly fall into the hands of a few powerful men.(138) The latter passage clearly points to the difference between an agrarian law which divided newly conquered and unoccupied land, and an agrarian law which, antecedently to a division, dispossessed patrician squatters.(139)

An incident, which throws light upon the agrarian question, likewise occurs in 410 B.C. Mænius, a tribune, the proposer of an agrarian law, had hindered the levies of soldiers. News arrived of a strong place having been lost, in consequence of want of

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from the plebs. This use of the word, in the ordinary narrative, is however so unlike Livy's usual phraseology, that I cannot help suspecting with Crevier the passage to be corrupt. Crevier proposes to omit *populi*, and to understand *consensu* absolutely as in iii. 38. Compare the instances of the use of the word *populus* in iv. 54.

(138) Aptissimum tempus erat, vindicatis seditionibus, delenimentum animis Bolani agri divisionem objici; quo facto minuissent desiderium agrariæ legis, quæ possesso per injuriam agro publico patres pellebat. Tunc hæc ipsa indignitas angebat animos, non in retinendis modo publicis agris, quos vi teneret, pertinacem nobilitatem esse; sed ne vacuum quidem agrum, nuper ex hostibus captum, plebi dividere; mox paucis, ut cetera, futurum prædæ; iv. 51.

(139) Zonaras connects the introduction of pay with the affair of Postumius. The following is his account of the transaction. Postumius having conquered a large city of the Æquians did not give the plunder to his soldiers. In consequence of this, they first killed the quæstor who had charge of it, and afterwards Postumius himself, when he endeavoured to put the offenders to death. They moreover required, not only that the territory just taken, but that all the public land should be divided among them. In the meantime, the war with the Æquians broke out again, which stopped the mutiny, and the army marched against the enemy and defeated them. The patricians then gave them the booty, and also voted pay to the foot-soldiers and horsemen. From this time they received pay, having hitherto been supported in war by their own means; vii. 20. This narrative connects the introduction of pay with the Postumian mutiny, not with the capture of Anxur, and the impending Veientine war.

succours. When Mænius was reproached with the results of his opposition, he replied that he would offer no resistance to the enlistment, if the wrongful owners would give up the public land in their occupation.(140)

§ 69 Some miscellaneous notices occur in Livy's history of this period, which bear the appearance of contemporary registration, and seem to be of a character fitted for entry in the pontifical annals. Such are the pestilences mentioned in 436, 433, and 412 B.C.,(141) and the drought in 428 B.C.,(142) together with some accompanying religious acts. The conspiracy of slaves, in 419 B.C., also mentioned by Dionysius, appears to come under the same category,(143) as well as the account of the Vestal virgin, Postumia, who was accused of incontinence, but acquitted, and only cautioned to be more reserved in her manners, and more simple in her dress.(144)

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(140) Mænio contra vociferante, si injusti domini possessione agri publici cederent, se moram delectui non facere; Livy, iv. 53. He here calls the patrician occupiers *domini;* as being practically owners of the soil.

(141) Livy, iv. 21, 25, 52. Compare Niebuhr, Hist. vol. ii. p. 505.

(142) Ib. c. 30; Dion. Hal. xii. 3.

(143) Livy, iv. 45; Dion. Hal. xii. 6.

(144) Eodem anno [420 B.C.] Postumia, virgo Vestalis, de incestu causam dixit, criminis innoxia, ab suspicione propter cultum amœniorem ingeniumque liberius quam virginem decet parum abhorrens, ampliatam, deinde absolutam pro collegii sententiâ pontifex maximus abstinere jocis colique sancte potius quam scite jussit, Livy; iv. 44. The word *ampliatus* is again used in its technical sense of an adjournment of the trial (or enlargement of the time), in Livy, xliii. 2. Minucia, who was condemned for unchastity in 337 B.C., is described as 'suspecta primo propter mundiorem justo cultum;' Livy, viii. 15.

PART V.—FROM THE SIEGE OF VEII TO THE BURNING OF ROME BY THE GAULS.

(405—390 B.C.)

§ 70 WHATEVER may have been the immediate motives which impelled the Romans to attempt at this time the subjugation of Veii, the siege was commenced in 405 B.C., and having been partially interrupted by an expedition against a Volscian town in the second year, was resumed with more activity in the third. With respect to the progress of the siege, much depended on the result of the applications for assistance made by the Veientes to the other Etruscan states. Livy tells us that the applications were unsuccessful, owing to the election of a king by the Veientes in the place of annual magistrates. This measure gave offence to the other Etruscans in two ways:—first, because they disliked the institution of a king; and next, because the king chosen by the Veientes had been guilty of a public insult at some games common to the entire federation.(1) We do not hear this king's name; nor does he appear in the entire history of the siege, except as sacrificing on the day when the town is taken,(2) although he is described as the chief of the people. The institution of royalty was certainly not recent at Veii, as their king, Lars Tolumnius, had only been killed thirty-two years before. We hear, moreover, of kings in other Etruscan cities—as Porsena at Clusium.(3) It has been con-

(1) Livy, v. 1. Compare c. 5, where Appius alludes to the anger of the other Etruscans against Veii, and the election of a king as its cause.

(2) Livy, v. 21. In Plut. Cam. 5, he is called ὁ ἡγεμὼν τῶν Τυρρηνῶν.

(3) See Müller's Etrusker, vol. i. p. 165, 365-7. Müller conjectures that Tolumnius was an elective king, but of this we have no proof. Niebuhr discredits the statement of Livy, that the election of a king was the cause of the displeasure of the other Etruscan states: he thinks that no Etruscan city ever had any other chief magistrate; Hist. vol. ii. p. 468. Propertius and Morrius, early kings of Veii, are mentioned by Servius, Æn. vii. 697; viii. 285. Compare Propert. v. 10, 27-30.

O Veii veteres, et vos tum regna fuistis,
Et vestro posita est aurea sella foro;
Nunc intra muros pastoris buccina lenti
Cantat, et in vestris ossibus arva metunt.

Müller, ib. p. 366, says that the Roman writers often speak of royalty

jectured that the other Etruscan states were really prevented from assisting Veii by the fear of a Gallic incursion, which they were occupied in averting; and it has been even supposed that the Gauls did a greater service to Rome by keeping the other Etruscans employed at this moment, than they did it harm by their subsequent irruption.(4) Livy, indeed, represents the other Etruscans as alleging the recent arrival of the Gauls on their frontiers as a reason for not assisting the Veientes, upon an application of the Capenates and Falisci, at a federal council, in the ninth year of the war; but they describe themselves as having previously refused succour, on the ground that their advice as to the policy of the war had not been asked;(5) without any allusion to the election of the king.

This siege is described as the most considerable enterprise of the sort which the Romans had hitherto undertaken. Pay had been introduced, in order to overcome the reluctance of the citizens to serve; and as the place was too strong for the ordinary mode of an assault, the blockade was, for the first time, continued during the winter.(6) The Romans had already

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as the ordinary form of government in the Etruscan cities. A festival usage, at the Capitoline games, of leading about an old man dressed in a prætexta, and a child's bulla, who was supposed to be sold as a prisoner, was explained as referring to a Veientine king: Festus in Sardi venales, p. 322; Plut. Rom. 25; Quæst. Rom. 53. Compare vol. i. p. 429, n. 78.

(4) Müller, ib. p. 124; Niebuhr, ib.

(5) Livy, v. 17. It is stated as a motive of the Clusines for seeking assistance of the Romans against the Gauls, that they (the Clusines) had not assisted their countrymen, the Veientes, against the Romans; Livy, v. 35; Dio Cass. fr. xxv. 1.

(6) Hibernacula, res nova militi Romano, ædificari cœpta, consiliumque erat hiemando continuare bellum; Livy, v. 2. Tunc primum hiematum sub pellibus: taxata stipendio hiberna; Florus, i. 12, § 8. It is to be observed that the Romans, the most military state of antiquity, are expressly stated never to have continued any siege through the winter until the year 405 B.C. This is an important fact with reference to the historical character of the Trojan war. If our accounts of this war are historical, even in substance, the Greeks made an expedition against Troy across the sea with a large army in 1194 B.C., and besieged it for ten consecutive years, summer and winter, until they took it in 1184 B.C. How are we to suppose that this large army was supported and fed for so many years, at a great distance from home? The troops had no pay, and they could not obtain supplies from their own country. Thucydides perceives this difficulty, and he tries to get over it by saying that a large part of the

brought their lines of attack close to the walls, when the besieged made a successful sally, and burnt their works and machines. This disaster produced a good effect at Rome; it appeased the discord of the orders, and created a desire for patriotic sacrifices. The persons of equestrian census offered to furnish their own horses; and numerous plebeians offered to serve on foot, though their turn for service had not arrived; pay at the same time was assigned to both these classes of volunteers.(7)

§ 71 In the fourth year of the siege, Anxur is recovered by the Volscians, and the Capenates and the Falisci send succours to Veii. Dissensions arise between two of the consular tribunes, who are compelled to resign their office before the time, by the coercion of the tribunes, and the threat of a colleague that he will appoint a dictator.(8) The military operations are now extended; armies are sent to ravage the Faliscan and Capenate territories, and Anxur is besieged and recaptured. Since the introduction of pay, the pressure of so many armies upon the treasury is heavy, and the collection of the war-tax leads to grievous complaints on the part of the plebs, and to resistance on the part of the tribunes. In this state of things, the plebeians at last succeed in carrying the election of one of their body to the high office of consular tribune;(9) and in the following year

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army was always engaged in plundering and in cultivating the Chersonese. He therefore supposes the expedition of Agamemnon to have been partially a colonial, as well as a military expedition; i. 11. Compare Grote, vol. i. p. 402. The siege of Ithome, which lasted ten years, was concluded in 455 B.C., just fifty years before the siege of Veii: but the concise narrative of Thucydides does not show whether it was kept up continuously; i. 101-3. The siege of Thebes by the seven chieftains was conceived as a storm, rather than a blockade.

(7) Livy, v. 7. Plutarch mentions that when Camillus was censor, he compelled the unmarried men to marry the widows, (who were numerous on account of the frequent wars), and he subjected the orphans to taxation. Cam. 2. According to Val. Max. ii. 9, 1, Camillus and Postumius, when censors, imposed a tax on old unmarried men. This censorship falls in 403 B.C., according to the Fasti Capitolini.

(8) Ib. 8-9. Diod. xiv. 43, places a successful sally of the Veientes in this year.

(9) P. Licinius Calvus was the plebeian in question, the other five being patricians. Livy says that he was an old man, and had long been a senator,

five out of six of the consular tribunes are plebeians. Having secured this advantage, the tribunes permit the collection of the tax to proceed. The military operations are conducted with energy, and a battle is fought before the walls of Veii against the Veientes and their two allies, in which the Romans are victorious. For the next year, the patricians make great exertions to recover their lost ground in the elections. They put forward their most distinguished members as candidates, and they call in the aid of religious fears, suggested by a severe winter and a pestilence in the previous year, which were attributed to the anger of the gods at the election of plebeians. The result is, that six consular tribunes are elected, all of whom are patricians.

§ 72 Many other prodigies were now reported; but the most remarkable warning from the gods was, that the Alban lake rose above its natural level, without the fall of rain, or any apparent cause. This portent caused so much alarm, that the Romans lost no time in sending messengers to consult the oracle of Apollo at Delphi. In the meantime, an old man of Veii, in some of the casual meetings which took place between the soldiers of both armies at the outposts, was heard to utter the prediction, that the Romans would never take Veii before the Alban lake was drained of its waters. Having ascertained that this man was an aruspex, a Roman soldier enticed him away from his own countrymen, upon pretence of consulting him about some omen which concerned himself, seized him in his arms, and carried him to the Roman camp. Upon being brought before the Senate, he repeated this prediction, and declared it to be announced by the sacred books of the Etruscans, that whenever the waters of the Alban lake should swell, the Romans would, by letting them off, be enabled to triumph over the Veientes; but that until this was done the gods would not

but had never filled any public office; and the people themselves wondered at his election. This is the first mention of a plebeian senator. Livy adds that the reason why he was chosen was uncertain: some said that he had been raised to the office through the influence of his brother, Cn. Cornelius; others, that he had made a conciliatory speech respecting the agreement of the orders; v. 12. For the consular tribunes of the next two years, see c. 13, 14.

desert the city of Veii. The Senate, however, consider this aruspex of uncertain authority, and await the response of the Delphian oracle. In the following year, the ambassadors return from Delphi, and the answer which they bring accords exactly with the dictum of the Etruscan soothsayer. The Romans were warned neither to allow the water to remain in the lake, nor to flow into the sea, but to consume it in irrigating the country. If, when this work had been accomplished, they were to attack the enemy's city, they would be rewarded by victory. The god further enjoined them, when the war was completed, to send a rich gift to his temple, and to renew the native solemnities which had been interrupted. The announcement of the Etruscan diviner being now confirmed by the infallible authority of the Delphic oracle, his credit was established with the Roman state, and his advice was followed in devising the proper means for the procuration of this significant prodigy. After careful inquiry, it appeared that the defect lay in the auspices of the consular tribunes, who had celebrated the Latin games, and performed the annual sacrifice on the Alban hill. This latter ceremony, it may be remarked, was locally connected with the Alban lake. The Senate accordingly decreed that the consular tribunes should resign their offices, that the auspices should be retaken, and the games renewed. These matters being set right, and the superfluous water having been drained off in the manner indicated, the oracle was satisfied, the fates were accomplished, and the fall of Veii was at hand.(10)

(10) Livy, v. 15—19. The account in the fragments of Dionysius, xii. 11—16, agrees substantially with that of Livy, but it disagrees in the precise point of the supernatural advice. According to Livy, the aruspex tells the Romans that if when the Alban lake rises, they let off the water properly, they shall conquer the Veientes; ut quando aqua Albana abundasset, tum, si eam Romanus rite emisisset, victoriam de Veientibus dari; v. 15. According to Dionysius, he told them that Veii was destined to be taken, when the Alban lake has a deficient supply of native water, and no longer flows into the sea: ὅταν ἡ πρὸς Ἀλβανῷ λίμνη σπανίσασα τῶν αὐθιγενῶν ναμάτων μηκέτι μίσγηται τῇ θαλάττῃ, xii. 13. In like manner, the response of the oracle in Dionysius dwells chiefly on giving to the waters of the Alban lake an outlet which *does* not find its way into the sea, and it says nothing about the omission of the games, if the passage is complete; ib. 16. According to Cic. de Div. i. 44, the sacred books of the

§ 73 The tenth year of the war had now arrived. Camillus was appointed dictator.(11) Having taken severe and active measures for increasing the efficiency of his army, he pushed on the siege with vigour. The chief work was a mine, leading to the citadel, at which relief-parties worked night and day. When the mine was completed, and Camillus saw that the great and wealthy city of Veii was at his mercy, he sent to the Senate for instructions as to the disposition of the plunder, which was likely to exceed the plunder obtained in all previous wars put together. He was afraid that, if he was bountiful to the soldiers, he should be accused by the Senate of a prodigal waste of public property; and that, if he vigilantly guarded the interests of the treasury, he should incur the displeasure of his army for want of liberality. The Senate decided in favour of the popular course; they decreed that the city should be given up to be plundered, and that any citizen might go to the camp, in order to obtain a share, and

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Veientes declared that Veii could not be taken so long as the waters of the Alban lake were in excess; that if, when the lake was drained, the water flowed to the sea, evil would befall the Roman people; but if it was conducted so as not to fall into the sea, then the Romans would prosper. Hence, adds Cicero, the marvellous outlet for the Alban lake was constructed. Compare de Div. ii. 32, which passage unfortunately is mutilated. According to Val. Max. i. 6, § 3, the Delphian oracle enjoined the Romans 'ut aquam ejus lacûs emissam per agros diffunderent; sic enim Veios in potestatem populi Romani venturos.' The account of Plutarch, Cam. 3, 4, agrees generally with that of Dionysius, and is doubtless borrowed from it. He describes the mission to Delphi as subsequent to the advice of the aruspex. He states that the ambassadors to Delphi were Licinius Cossus, Valerius Potitus, and Fabius Ambustus. Of these three persons, L. Valerius Potitus was consular tribune for this year, 398 B.C., Q. Fabius Ambustus was consul in 412 B.C., and M. Fabius Ambustus was Pontifex Maximus in 390 B.C. No Licinius Cossus is known; P. Licinius Calvus was consular tribune in 400 and 396 B.C. Several members of the family of Cornelius Cossus likewise filled high offices at this time; and it is most probable that *Licinius* is an error of Plutarch or his copyists for *Cornelius*. The account of Zonaras, vii. 20, is brief, and agrees with that of Dionysius. He makes the point of the oracle consist in the dissipation of the water in the plain, and in diverting its course from the sea. He also speaks of 'piercing the mountain' (*τὸν λόφον διέτρησαν*), of which the others say nothing.

(11) Livy, v. 19, and Plut. Cam. 5, say that P. Cornelius Scipio was master of the horse. He was consular tribune in 395 and 4 B.C. The Capitoline Fasti name [P. Cornelius] Maluginensis, who was consular tribune in 404 and 397 B.C. Diodorus is indefinite: he omits the family name, and calls the master of the horse Publius Cornelius; xiv. 93.

a large number of persons availed themselves of the permission.(12)

Camillus now orders an assault on various parts of the wall, in order to divert attention from the real attack, through the mine; the existence of which is not suspected by the besieged. Before the attack is made, he vows a tenth part of the plunder to Apollo of Delphi, in gratitude, apparently, for the oracle which predicted their success. The mine opened into a temple of Juno, on the citadel; and when the soldiers were about to enter it from the floor, they are said to have heard the aruspex inform the Veientine king, who was then sacrificing, that whoever cut the entrails of the victim would be conqueror;(13) whereupon they broke into the sacred precinct, seized the entrails, and carried them to Camillus. Livy treats this incident as fabulous, and as fitter for the marvels of dramatic poetry than for the sobriety of historical narrative.(14) Plutarch likewise considers it as unworthy of belief.(15) It was further recorded that Camillus, impressed with the magnitude of his conquest, and

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(12) Livy, v. 19-20. The strict and careful regulations made by the Romans for the equal division of plunder among the soldiers are described by Polyb. x. 16, 17. Dionysius, xii. 17, here introduces an embassy of the Veientes, offering to become subject to Rome, if their town is spared. Upon the refusal of these terms, one of the Veientes tells the Romans that if they fear the nemesis neither of gods nor men, but insist on utterly destroying this great city, they will speedily meet with a divine retribution, for that if they ruin Veii, their own city will also be speedily ruined. According to Cicero, these ambassadors made no vague allusion, but informed the Romans that the same sacred books which contained the prediction about the Alban lake, also contained a prediction that Rome would speedily be taken by the Gauls; De Div. ii. 44.

(13) Qui ejus hostiæ exta prosecuisset, ei victoriam dari; Livy, v. 21. Plutarch has: ὅτι νίκην ὁ θεὸς δίδωσι τῷ κατακολουθήσαντι τοῖς ἱεροῖς ἐκείνοις, Cam. 5. It seems evident, as has been remarked, that Plutarch mistook *prosecuisset* for *prosecutus esset*, in the text of Livy. Plutarch quotes Livy by name in c. 6, but the statement which he cites is incorrectly rendered.

(14) Inseritur huic loco fabula: immolante rege Veientium. . . . . Sed in rebus tam antiquis, si quæ similia veri sint, pro veris accipiantur, satis habeam. Hæc, ad ostentationem scenæ gaudentis miraculis aptiora quam ad fidem, neque affirmare neque refellere est operæ pretium; Livy, v. 21.

(15) Ἀλλὰ ταῦτα μὲν ἴσως ἐοικέναι δόξει μυθεύμασιν, Plut. Cam. 5. Diod. xiv. 93, states that Veii was taken by a mine (διώρυξ, compare Herod. iii. 146, who calls a mine a κρυπτὴ διώρυξ).

the opulence of the city, lifted up his hands to heaven, and prayed that if his country or himself were destined to endure a nemesis for this signal success, the infliction might be as small as possible. It was added, that while engaged in this act of prayer, he fell; and the omen was afterwards interpreted to allude to his condemnation by the people, and to the burning of Rome.(16) It was further stated, that when the statue of Juno was about to be transported to Rome, and some one asked the goddess if she were willing to go, the statue assented either by a nod or a word; and that it was easily moved, and seemed of preternatural lightness.(17) The statue was transferred to the Aventine, where a temple to Juno Regina was founded by Camillus.(18) The triumph of Camillus was celebrated with great pomp; and he himself entered the city in a chariot drawn by four white horses: an act upon which no other Roman, before or after him, is said to have ventured, inasmuch as it appeared to emulate the appearance of Jupiter himself.(19)

§ 74 It was now necessary that the dictator's vow of a tenth of the spoils of Veii to Apollo should be performed. The

(16) The words in the text of Livy, which it has been proposed to alter —privato incommodo publicoque—are justified by Dion. Hal. xii. 20. Val. Max. i. 5, § 2, and Plut. Cam. 5, represent him as praying that the good fortune of the city may be expiated by his own ill fortune. The prayer of Paulus Æmilius, in Livy, xlv. 41, is somewhat different. He hopes that the deaths of his own two sons. which had just occurred, might atone for the public successes. 'Itaque defunctam esse fortunam publicam meâ tam insigni calamitate spero.' Compare Ovid, Met. xv. 572.

(17) Livy, v. 22, treats the motion and speech of the goddess as fabulous, but he seems disposed to credit the preternatural lightness. Plutarch is in doubt. He recommends a wise moderation, avoiding excessive credulity or excessive scepticism in such matters. Many stories of the sweating, winking, and groaning of statues have (he says) been recounted by former writers; Cam. 6. Dion. Hal. xiii. 3, says that Camillus sent some of the most distinguished of the knights to remove the statue, and that one having asked her if she wished to go to Rome, the statue answered with a clear voice that she did; on the question being repeated, a similar answer was given. On the other hand, the statue of the Olympian Jupiter objected to being removed by Caligula: Olympiæ simulacrum Jovis, quod dissolvi transferrique Romam placuerat, tantum cachinnum repente edidit, ut machinis labefactis opifices diffugerint; Suet. Cal. 57. See above, p. 123, n. 96.

(18) Livy, v. 22, 23, 31; Dion. Hal. ib. Compare Becker, vol. i. p. 452.

(19) Livy, v. 23; Plut. Cam. 7.

private citizens were required to surrender a tenth of their plunder, and the state contributed a tenth of the estimated value of the city and its territory.(20) It was decreed that with the sum thus obtained a golden crater should be dedicated to Apollo; but a sufficient quantity of gold could not be purchased, and the matrons in consequence gave up their ornaments to the treasury.(21) They were rewarded for this act of munificence, according to Livy, by a permission to go in carriages to the sacrifices and games, and in carts on festival days:(22) and according to Plutarch(23) by a permission to be eulogized in funeral orations like the men. The precious offering was sent to Delphi in a ship of war in the custody of three envoys; but the ship was captured by pirates in the straits of Sicily, and carried to one of the islands of Liparæ. The inhabitants of

(20) Compare Appian, Hist. Rom. ii. 8.

(21) The narrative of Livy is not quite distinct, but considering the stress which he lays on the means used to obtain the tenth, both from the individual citizens and from the state (c. 23, 25), it seems that the munificence of the matrons consisted not in giving their ornaments to the state, but in allowing the treasury to take them at a valuation (see also Plut. Cam. 8). Gold was doubtless an article of great rarity at that time in Italy, and only existed in small quantities, either in the form of female ornaments, or of offerings in temples. There was no gold plate in the possession of private persons, and no gold coin. 'Romæ (says Pliny) ne fuit quidem aurum, nisi admodum exiguum, longo tempore,' N. H. xxxiii. 5. Theopompus related that Hiero of Syracuse, wishing to dedicate a golden tripod and statue of Victory, was unable for a long time to procure gold in Sicily, and at last sent persons to search for it in Greece, who with difficulty succeeded in obtaining it at Corinth; ap. Athen. vi. p. 232, A; and see other facts collected, ib.; and in Boeckh. Econ. of Athens, b. i. c. 3. The view of Dr. Arnold is similar, vol. i. p. 413.

(22) Livy, v. 25. A carpentum was a covered cart on two wheels—a pilentum seems to have been on four wheels, and to have corresponded to the Greek ἁρμάμαξα: it was more luxurious than the carpentum. Hence Virgil says: Pilentis matres in mollibus; Æn. viii. 666. Zonaras, vii. 21, mentions the same reward.

(23) Plut. Cam. 8. Livy places this reward after the contribution of the matrons for the Gallic ransom; v. 50. The account of Plutarch is probably taken from Dionysius. Diodorus, xiv. 116, gives a fourth variation; he makes the permission to go in carriages through the city a reward for the contribution of the matrons to the Gallic ransom. The variations stand thus: Livy and Zonaras make the permission to go in carriages the reward of the contribution to the Delphic goblet; Plutarch makes the funeral eulogies the reward of the same contribution: Livy makes the funeral eulogies the reward of the contribution to the Gallic ransom. Diodorus makes the going in carriages the reward of the same contribution.

these islands carried on piracy on the public account; but when this prize was brought into harbour, Timasitheus, the chief magistrate of the place, induced the people to respect the character of ambassadors and the sanctity of the gift, and to convoy the holy messengers to Delphi and back. This obligation was recognised by the Senate, who conferred upon him certain honours and presents.(24) The goblet is stated to have been deposited in the treasury of the Massaliots at Delphi: but it did not remain there much more than forty years: for in 353 B.C. it was melted down by Onomarchus when he confiscated the treasures of the temple in the sacred war, and the brazen stand alone remained.(25) The Romans however did not forget the important service which had been rendered them by Timasitheus; for it is recorded that when they took the islands of Liparæ from the Carthaginians, in the First Punic War, about 140 years afterwards, they conferred an exemption from taxes, and personal freedom, upon the descendants of their benefactor. (26)

§ 75 In the second year after the capture of Veii, Camillus attacks the Falisci, and besieges their town Falerii. Here occurs the well-known incident of the tutor, or schoolmaster, who betrays his boys into the hands of the Roman commander; but Camillus refuses to profit by his treachery, and orders his boys to flog him, with his hands tied, back to the town. The Falisci are so struck with this act of generosity that they surrender their town to the Romans.(27)

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(24) Livy, v. 23, 25, 28; Val. Max. i. 1, ext. 4, who does not mention Veii. Plutarch reverses the account, and says that some triremes of the Liparæans captured the Roman ship, believing it to be piratical. The ships of these islanders are mentioned by Strabo, vi. 2, § 10.

(25) *κρατήρ τε ἀπὸ τῶνδε τῶν χρημάτων ἐν Δελφοῖς ἕκειτο χρύσεος ἐπὶ χαλκῆς βάσεως ἐν τῷ Ῥωμαίων καὶ Μασσαλιητῶν θησαυρῷ, μέχρι τὸν μὲν χρυσὸν Ὀνόμαρχος ἐν τῷ Φωκικῷ πολέμῳ κατεχώνευσε, κεῖται δ' ἡ βάσις.* Appian, H. R. ii. 8. Diod. xiv. 93, only mentions the treasury of the Massaliots. Concerning the national treasuries or depositories at Delphi, see the notes on the passage of Appian. With respect to Onomarchus, see Diod. xvi. 33, and Grote, Hist. of Gr. vol. xi. p. 358.

(26) Diod. iv. 93, who places the capture of Lipara 137 years after the act of Timasitheus. The capture of the Lipari islands took place in 251 B.C.; Polyb. i. 39. According to the common chronology, the goblet was sent in 395 or 4 B.C., which would make an interval of 141 or 2 years.

(27) Livy, v. 26-7; Dion. Hal. xiii. 1-2; Plut. Cam. 10; Polyæn. viii.

§ 76 Veii is stated to have been at least equal to Rome in its size and the magnificence of its buildings; it contained much wealth, the creation of ancient Etruscan skill and industry; and its territory was large and fertile.(28) The disposal of so valuable an acquisition naturally produced much discord and discontent. The Senate began by offering to the plebs a colony in the Volscian country for 3000 settlers, and shares of $3\frac{7}{12}$ jugera (about two and three-quarters acres) apiece. The plebs were not satisfied with this measure, and thought it was a contrivance for averting the division of the Veientine land, which was nearer to Rome, more productive, and less exposed to attack. They likewise proposed the abandonment of Rome and the removal of the entire community to Veii: or the simultaneous occupation of the two towns. A law for a removal of the community to Veii proposed by the tribune Sicinius was put to the vote of the people; but in consequence of the strenuous opposition of Camillus and the energetic interference of the patricians, it was rejected by the majority of one tribe. Having carried this point, the Senate passed a decree for dividing the Veientine territory among the plebs, in shares of seven jugera (about five acres) a head: each free member of the family being reckoned separately.(29)

7, § 1; Dio Cass. fragm. xxiv. 2; Zon. vii. 22; Victor de Vir. Ill. 23. Dionysius says that Camillus wrote to the Senate for instructions, who left the matter to his discretion. Livy describes the act of Camillus as immediate. The remark that the custom of educating boys together was Greek, is made by Livy, and after him by Plutarch. Diodorus says that the Romans destroyed the city of Faliscus in 395 B.C., and that they made peace with the Falisci in the following year; xiv. 96, 98. This account differs from that of all the other writers.

(28) Dion. Hal. ii. 54, xii. 21. Compare Livy, v. 25: Cur enim relegari plebem in Volscos, quum pulcherrima urbs Veii agerque Veientanus in conspectu sit, uberior ampliorque Romano agro? Urbem quoque urbi Romæ, vel situ, vel magnificentiâ publicorum privatorumque tectorum ac locorum præponebant.

(29) This is Livy's account; v. 30. Diodorus states that at the division of the Veientine territory, each man received four plethra, or, as some said, twenty-eight (xiv. 102). A plethron was about a third of a jugerum; so that when Diodorus speaks of twenty-eight plethra, he perhaps means nine jugera. Niebuhr assumes that he uses the two measures as equivalent, which is more probable.

§ 77 The vow of Camillus to consecrate a tenth part of the plunder to Apollo, together with other reservations which he is said to have made; and the resistance which he offered to the desire of the plebs to migrate to Veii, rendered him unpopular; and in the fifth year after the fall of Veii, L. Appuleius, one of the tribunes of the plebs, gave him notice of trial on a charge connected with the Veientine booty. His clients and tribes-men offered to pay his fine, but before the day of trial he went into voluntary exile, and in his absence was condemned to a fine, which is variously stated at 15,000, 100,000, and 500,000 asses.(30) On leaving the city, he called upon the gods to witness his innocence, and implored them to reduce his countrymen to such a state of danger and alarm, that they would be compelled to apply to him for assistance.(31)

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(30) See Livy, v. 24—32, and Plut. Cam. 7, 11, 12, 13, who agrees with Livy as to the amount of the fine. Livy does not specify the charge against Camillus, but says that it was 'propter prædam Veientanam;' c. 32. Dion. Hal. xiii. 5, is still more general; he says merely that the tribunes were envious of him. Plutarch states that he was accused of embezzlement with respect to the plunder (κλοπή): and adds that some brazen gates belonging to the prisoners had been seen at his house; c. 12. Compare de Fort. Rom. 12, where he is described as δίκῃ περιπεσὼν δημοσίων κλοπῶν. According to Dio Cassius, he was the subject of popular envy, and was indicted by the tribunes for having brought no profit to the state from the plunder of Veii, fragm. xxiv. 4; but in lii. 13, the same author states that Camillus was banished for using white horses at his triumph. The charge mentioned in Livy is exactly the opposite of that described by Dio: 'Incitatur multitudo in omnes principes, ante alios in Camillum. Eum prædam Veientanam *publicando* sacrandoque ad nihilum redegisse;' v. 25. Zonaras, vii. 21, states that the people were displeased with Camillus for having consecrated a tenth of the plunder, and for having triumphed with four white horses. Afterwards, c. 22, he uses the words in the fragment of Dio, but adds that he was accused of having embezzled a portion of the spoil. According to Victor de Vir. Ill. 23, the charges against him were that he had used white horses at his triumph, and that he had made an unjust division of the booty. Servius Æn. vi. 826, likewise states that Camillus was exiled for having made an unjust division of the Veientine plunder. Appian, ii. 8, states that some plebeian prosecuted him for having caused calamitous prodigies and portents to the state; and the people having long disliked him, condemned him to pay a fine of 500,000 asses. According to Dion. Hal. xiii. 5, the fine was 100,000 asses. The envy of the tribunes, the triumph of Camillus with four white horses, and the condemnation to a heavy fine by the people, are disconnected with the Veientine war by Diod. xiv. 117, and placed after the burning of Rome.

(31) Dion. Hal. xiii. 6, Plut. Cam. 12, 13, compares the imprecation of Camillus to that of Achilles, and he adds that every Roman believed the capture of the city by the Gauls to have been a nemesis for the injustice

§ 78 On reviewing the account of the siege of Veii, we may observe that the existence of a powerful and wealthy city, the rival of Rome in size, at a distance of little more than ten miles, could not fail to be a constant cause of jealousy to its aspiring neighbour; and that this feeling, combined with frequently recurring hostilities, was sufficient to produce an attempt at complete subjugation, and even at extermination. The circumstances, however, which induced the Romans to undertake the siege of Veii, at this precise moment, and to carry it on with so much pertinacity for ten years, are not clearly explained to us. With respect to the conduct of the siege, we are first told that the city could not be taken by assault;(32) and that the blockade was maintained during the winter, in order to make it efficient. The circumvallation is supposed to be continued for ten years; yet we hear nothing of want of food, although the town is large and populous. The place is not reduced by starvation; but is taken by a mine: a method of attack which might apparently have been resorted to much earlier in the siege, and which would have been as easy of execution in the first year as in the last. Niebuhr remarks that the undermining of the outward wall of a city was an operation often employed in ancient sieges; whereas in all ancient history there is scarcely an authentic instance of a town taken in the manner related of Veii.(33) The capture of Chalcedon, by means of a mine which Darius carried for fifteen stadia (nearly two miles) from a hill near the town, to the market-place, is not a

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with which Camillus had been treated. Appian, ib. speaks of the Ἀχιλλείος εὐχή. See Iliad, i. 240—4, 407—12. Dionysius represents Camillus as subsequently, in his address to the deputation from Veii, expressing his contrition for this prayer, and as saying that if he could have foreseen the calamities which were to come upon his country, he would have preferred, ten thousand times over, to lead an obscure life, rather than that the hopes of Rome should centre in himself at such a crisis. His language seems to imply that the gods had listened to his prayer, and that the Gallic invasion was a divine punishment for his unjust sentence; xiii. 8. Appian, Hist. Rom. iv. 5, gives a similar account of the subsequent retractation by Camillus of his prayer.

(32) Quum spes major imperatoribus Romanis in obsidione quam in oppugnatione esset; Livy, v. 2.

(33) Hist. vol. ii. p. 483; Lect. vol. i. p. 247.

credible history.(34) The mine described by Herodotus as driven by the Persians at the siege of Barca, before 500 B.C., appears to have been intended merely to let down a part of the outer wall: this mine was detected and frustrated by the besieged.(35) Fidenæ is reported to have been twice taken by mines, similar to that of Veii, which admitted the Romans within the city: one in the reign of Ancus Marcius,(36) and the other in 435 B.C.:(37) neither of these, however, can be relied upon as supported by certain testimony. Æneas the Tactician, whose extant work on the Defence of Towns was written about half a century after the capture of Veii, speaks of mines, and the modes of counteracting them, as familiar operations in sieges.(38) Veii is described by Dionysius as situated upon a lofty and precipitous rock:(39) and its citadel, of which the site has been identified, corresponds with this description.(40) The stone of which it consists is a brittle volcanic tufo: nevertheless, with the imperfect means of excavation which existed at that time, it is difficult to conceive how a shaft could have been car-

(34) See Polyæn. vii. 11, § 5. Niebuhr, ib., remarks, that this siege of Chalcedon is unknown to Herodotus. It was fabled that Diomede and Ulysses penetrated into the citadel of Troy by a subterranean channel, and carried away the Palladium. 'Diomedes et Ulixes, ut alii dicunt, cuniculis, ut alii, cloacis ascenderunt arcem, et occisis custodibus sustulere simulacrum;' Serv. Æn. ii. 166.

(35) Herod. iv. 200.

(36) Dion. Hal. iii. 40.

(37) Livy, iv. 22. The town of Nequinum is stated to have been taken a century later, in 299 B.C., by means of a subterranean passage which admitted the Romans into the town. In this case, however, the mine was made by some of the townsmen, who gave information to the Romans. It seems as if the passage had previously existed, or as if they had enlarged a cellar belonging to one of their own houses. 'Duo ex oppidanis (says Livy), quorum erant ædificia juncta muro, specu facto ad stationes Romanas itinere occulto perveniunt;' x. 10.

(38) c. 37. Köchly and Rüstow in their late edition of the Poliorceticon of Æneas, place its composition between 360—46 B.C. (vol. i. p. 7.) Compare Livy's description of the mining operations at the siege of Ambracia, in 189 B.C.; xxxviii. 7. This vivid and substantial account, doubtless derived from some contemporary reporter, contrasts remarkably with the indistinct and legendary character of the Veientine story.

(39) κεῖται δ' ἐφ' ὑψηλοῦ σκοπέλου καὶ περιῤῥῶγος, Dion. Hal. ii. 54.

(40) Gell's Topography of Rome, p. 444, ed. 1846. Nibby, Dintorni di Roma, vol. iii. p. 429. Dennis, Cities and Cemeteries of Etruria, vol. i. c. 1.

ried for a long way through the rock, which should emerge in the temple of Juno on the summit of the citadel.(41) A mine which penetrated into the citadel would doubtless be more effectual than a mine which merely penetrated into the town: still the latter was so much easier of execution, and was likely to prove so decisive, that there is a difficulty in perceiving why it was not preferred.(42)

The swelling of the Alban lake, the Etruscan aruspex, and his forcible abduction in the arms of a Roman soldier, the mission to Delphi, the close agreement between the dictum of the diviner and the response of the oracle, and the drainage of the Alban lake by a tunnel cut through a hill, form together a singular chapter in the history of the siege. The rising of the Alban lake, which the Romans considered a prodigy,(43) is easily explained from natural causes in a volcanic country; and is paralleled by similar phenomena in the Fucine lake, which lies

(41) Quel dirupo è un ammasso di ceneri vulcaniche indurite dall' acqua, fragile però e facile a franarsi; Nibby, ib.

(42) Mr. Dennis, Cities and Cemeteries of Etruria, vol. i. p. 37, has the following remark upon Niebuhr's objection to the account of the mine of Camillus. 'When Niebuhr states that the walls of Veii might have been breached by firing the timbers of the mine, it is most evident that he had not visited the site, and wrote in perfect ignorance of its character. Such a remark would apply to a town built in a plain, or on a slight elevation; but in a case where a citadel stood on a cliff, near two hundred feet above the valley, it is obviously inapplicable.' It may be true that Camillus could not have undermined the external wall of the citadel, if it stood on the edge of a high precipice; but the external wall of the citadel was not the external wall of the city; and as Veii is said to have been at least as large as Rome, its wall must have been of considerable extent. Some part of this wall was doubtless on low soft ground, and in an accessible place; in this part it might have been undermined, more easily than a long shaft could be driven from without the external wall of the city, through the rock, into the citadel; and if a breach had been made in the external wall, the city would have been taken. The citadel might indeed have held out; as was the case with the Capitol when Rome was taken by the Gauls. Mr. Dennis states that 'of the cuniculus of Camillus no traces have been found;' ib. p. 10. He describes the arx as 'a table-land of no great extent, rising precipitously from the deep glens which bound it, save at the single point where a narrow ridge unites it to the city;' p. 7.

(43) In unum omnium curæ versæ sunt, quod lacus in Albano nemore sine ullis cœlestibus aquis, causâve quâ aliâ quæ rem miraculo eximeret, in altitudinem insolitam crevit; Livy. v. 15. Plutarch says that this event, *οὐδένος ἧττον τῶν ἀπίστων πυθέσθαι θαυμάτων αἰτίας κοινῆς ἀπορίᾳ καὶ λόγου φυσικὴν ἔχοντος ἀρχὴν ἐφόβησεν*, Cam. 3.

at no great distance to the north-east,(44) and by the lake of Laach, near Andernach, on the left side of the Rhine.(45) But this prodigy is placed in 398 B.C., and there is not sufficient time for the mission to Delphi, and the execution of a tunnel 6000 feet, above a mile, in length, carried through the rock, and worked with the chisel, between this year and the year 396, when the town is taken.(46) A sufficient motive for the execution of the Alban tunnel would be found in the rising of the lake to a height which overflowed its banks, and inundated the neighbouring country.(47) The desire of recovering land for cultivation, and

(44) *φασὶ δ' αὐτὴν καὶ πληροῦσθαί ποτε μέχρι τῆς ὀρεινῆς καὶ ταπεινοῦσθαι πάλιν ὥστ' ἀναψύχειν τοὺς λιμνωθέντας τόπους καὶ γεωργεῖσθαι παρέχειν*, Strabo, v. 3, § 13. Sir W. Gell states that the mouth of the emissary of this lake has been, of late years, successively seen above and below the level of the water; and that twice or more within our own times, the water has risen to a formidable height, and then again subsided. Topography of Rome, p. 29. Compare Mr. Bunbury's Art. Fucinus Lacus, in Dr. Smith's Dict. of Anc. Geogr. On changes of level produced by earthquakes, see Lyell, Principles of Geology, vol. i. c. 23—25.

(45) 'The Laacher See is fed by numerous springs below the surface, which keep its basin constantly filled. It has no natural outlet; but the superfluous waters are carried off through a subterraneous canal or emissary, nearly one mile long, cut by the monks in the twelfth century, after an inundation which threatened to overwhelm the abbey. A new tunnel is projected by the proprietor, to lay dry a portion of the lake-bed.' Murray's Handbook for Travellers on the Continent; p. 297. ed. 10.

(46) The result of the personal observations of Mr. Laing Meason, who is stated to have been long practised in the sinking of mines in Scotland, is given by Sir W. Gell, ib. p. 30. 'The tufo (he says) has all been cut with a mallet, and a chisel one inch in breadth, as the marks show. As it would be difficult to dispose in any manner of more than four workmen at one time in this cavity, it seems scarcely possible that so great a work could have been continued to so great a distance as 2800 yards, or thereabouts, in less than eight years; probably in not less than ten, the whole time employed in the siege of Veii.' Nibby, ib. vol. i. p. 103, on the other hand gives a calculation which makes it possible that the work might have been executed in less than a year. He remarks, p. 102, that it is a wonderful work, which was executed with so much solidity as never to have required repairs in the course of 2233 years. Niebuhr exaggerates the size and difficulty of this work, when he says that the tunnel is cut in lava, hard as iron, and that it eclipses all the works of Egypt; Hist. ib. p. 507-8; Lect. ib. p. 250. The rock is not hard lava, but soft tufo. See Smith's Dict. of Anc. Geogr. in *Albanus Lacus*. Abeken, Mittelitalien, p. 178. A tunnel, in the island of Samos, seven stadia in length, dug through a hill, and used for conveying water in pipes to the town, is mentioned as a remarkable work by Herod. iii. 60. Compare Niebuhr, Lect. on Anc. Hist. vol. i. p. 198.

(47) Dionysius says that it overflowed much of the lands on its banks, and destroyed many cottages; that at last it forced a channel through the hills, and poured a great stream into the plains, xii. 11, followed by Plut. Cam. 3.

of obtaining water for irrigation, may likewise have been additional motives.(48) Reasons similar to these led to the excavation of the great emissary from the Fucine lake, which was meditated by Julius Cæsar, and accomplished by Claudius:(49) a work which has been allowed to go out of repair, but of which the restoration is now contemplated.(50) The different reports of the oracular declaration are not consistent; but they point to the fact, that at one time the water from the tunnel was dispersed over the plain, and exhausted in irrigation, and that it did not, as at present, form a stream which falls into the Tiber, and is thus carried into the sea.(51) Whatever may be the precise date of the Alban emissary,(52) and whatever may be the truth as to its connexion with the siege of Veii, the story of the Etruscan aruspex (for whom Cicero, it may be remarked,

(48) Sir W. Gell indeed does not consider these motives sufficient. 'Some motive of fear or superstition must (he thinks) have been that which induced the Romans to undertake the construction of the emissary; for the very steep sides of the crater, with a few narrow meadows at the bottom, at the northern end, which were gained by this diminution of the waters, cannot be supposed to have been the temptation;' ib. p. 28. Steger supposes that, the Alban lake being in a deep basin, and having no outlet, the original prediction was intended to express an impossibility, and was equivalent to a declaration that Veii would never be taken. He thinks that the construction of the tunnel satisfied the prophecy, and that the Romans did intentionally what Macduff's soldiers did unintentionally when they brought Birnam wood to Dunsinane; Die Prodigien, p. 74. Considering the magnitude of the work, it seems to be more probable that the story of the prophecy is a fictitious legend, devised in explanation of an existing monument.

(49) Its length is about 15,600 English feet, nearly three miles. According to Suet. Claud. 20, its execution occupied eleven years, and the continuous labour of 30,000 men. The rock through which it is cut is a hard limestone. Compare Dio Cass. lx. ii.

(50) See Blewitt's Handbook to Southern Italy, p. 20, where it is stated that a company has been formed for draining the lake, and that an Englishman has entered into a provisional contract to execute the whole of the works for the sum of £120,000.

(51) Sir W. Gell thinks that 'the Tuscan diviner, when made prisoner, recommended in obscure terms, that they should enter Veii by a mine;' ib. p. 27. But no latitude of allowance for the *ambages* of divination can extract this meaning from the words. Sir W. Gell adds that 'by the skill acquired in excavating the Alban emissary, the Romans were enabled, by means of a mine or cuniculus, to possess themselves of the citadel of Veii;' ib. No trace of this idea occurs in the ancient writers.

(52) Niebuhr lays it down that the epoch assigned to the rising of the Alban lake is 'unquestionably correct;' Hist. ib. p. 480, 507.

substitutes a noble refugee) ([53]) and of the Delphic oracle, is its explanatory legend.([54]) It is nevertheless remarkable that neither Livy nor Plutarch, nor any other of the historians, speak of the emissary as having been constructed: Cicero alone alludes to it in distinct terms.([55]) The only previous mention of the Delphic oracle in Roman history is on the occasion of the mission of Brutus with the two sons of Tarquin.([56]) The next mention of it occurs nearly 200 years later, in connexion with the statue of the Idæan mother.([57])

The irruption of the Roman soldiers into the temple of Juno, at the moment when the priest declares that whoever cuts the victim on the altar shall be the conqueror, and the accomplishment of the omen by Camillus; the audible assent of the statue of Juno to its removal, the eagerness with which it seconds the efforts of those who transport it to Rome, and its preternatural lightness, were all doubtless integral parts of the original story, though they are repeated with partial disbelief by Livy. These, and the story of the prediction about the Alban lake, coming first from the Etruscan aruspex, and corroborated by the Delphic oracle, give to the narrative of this war a supernatural and marvellous character, in which it differs notably from many important passages of the previous history; for example, the account of the decemviral period. In general, however, the history of the Roman republic seems to have been composed by writers whose

(53) Veientem quendam ad nos hominem nobilem profugisse; De Div. i. 44.

(54) Niebuhr thinks that 'the answer of the Delphian oracle was either procured, or fabricated and published, by the Senate;' Hist. vol. ii. p. 481. This supposition implies that the story of the oracle is true.

(55) Ex quo illa admirabilis a majoribus Albanæ aquæ facta deductio est, ibid. Dr. Arnold says: 'The whole story of the tunnel, as we have it, is so purely a part of the poetical account of the fall of Veii, that no part of it can be relied on as historical;' vol. i. p. 512. He conjectures that the work may have been executed by the Romans in conjunction with the Latins; ib. p. 514. On the other hand, Mr. Dennis, Cities and Cemeteries of Etruria, vol. i. Introd. p. lx. says, in reference to the Etruscans: 'The emissary of Albano, which there is every reason to regard as an Etruscan work, is a triumphant memorial of their skill in such operations.'

(56) Above, vol. i. p. 518. (57) In 205 B.C.; Livy, xxix. 10.

views respecting the agency of the gods upon human affairs resembled those of Herodotus or Xenophon, rather than those of Thucydides; and who shared the religious opinions current among their own countrymen. It cannot be denied that the copiousness with which Herodotus(58) recounts prodigies, dreams, omens, and oracles, appears to us puerile; because it seems to imply a belief in their supernatural nature.(59) At the same time, if incidents of this sort influence men's conduct, and are the determining causes of political events—as they often were in the ancient states, and as they still are in the East—they are a part of the *res gestæ*, and it becomes the duty of the historian to narrate them.(60) If the Romans really believed that a rising of the Alban lake was an alarming manifestation of the divine will, if they received a prediction concerning it first from an Etruscan diviner, and afterwards from the Oracle at Delphi; if, in consequence of this prediction, they cut a tunnel through the

(58) This characteristic of Herodotus is well illustrated by Col. Mure, in his Hist. of the Lit. of Ancient Greece, vol. iv. p. 359—77: 'A man (he says) morbidly intent on bringing all the affairs of life into connexion with some special display of divine interposition, could hardly fail to be influenced in his choice or treatment of the various traditions current relative to past events, by a pious consideration of the degree in which effect was given by one or other of them to his favourite theory. Accordingly, every part of the historian's work bears testimony, in the greater or less accumulation of oracles, prodigies, dreams, and the like, to the mode in which his researches must have been affected by this weakness of his character.' 'The sixth book, containing the account of the battle of Marathon, has, in about one half the number of pages comprised in the first, nine prodigies, three dreams, and three oracles. The eighth, containing the battle of Salamis, has ten prodigies and seven oracles.' Concerning the speaking and motion of statues, see Steger, Die Prodigien, p. 118, 124.

(59) Polyb. xii. 3, describes the historian Timæus as *παιδαριώδης καὶ τελέως ἀσυλλόγιστος καὶ ταῖς ἀρχαίαις φήμαις ἀκμὴν ἐνδεδεμένος*, the charge being that he repeats old legends without rationalizing them. Again, Polybius says of him, *ἐννυπνίων καὶ τεράτων καὶ μύθων ἀπιθάνων καὶ συλλήβδην δεισιδαιμονίας ἀγεννοῦς καὶ τερατείας γυναικώδους ἐστὶ πλήρης*, xii. 24. Strabo remarks that women are more superstitious than men: *ἅπαντες τῆς δεισιδαιμονίας ἀρχηγοὺς οἴονται τὰς γυναῖκας*, vii. 3, § 4.

(60) Eludant nunc licet religiones. Quid enim est, si pulli non pascentur, si ex caveâ tardius exierint, si occinuerit avis? Parva sunt hæc; sed parva ista non contemnendo majores nostri maximam hanc rem fecerunt. Speech of Appius in Livy, vi. 41. The account of the omens which occurred shortly before the murder of Tiberius Gracchus, given by Plut. Tib. Gracch. 17, is probably historical.

sides of the Alban lake, and if they thought that the capture of Veii was the result of their obedience to the oracle, these occurrences formed a part of the history of the siege; though it might argue weakness in the historian who thought that the capture of the town was really owing to these causes, and not to the skill of the Roman commanders, and the bravery of their soldiers;(61) and though a historian such as Thucydides would not have given them the prominent place which they occupy in the pages of Livy.

The story of the Faliscan schoolmaster and the voluntary surrender of the large Etruscan town of Falerii, in consequence of the admiration of the people for the generosity of Camillus, is romantic and improbable; and probably has not a better claim to be considered historical than the story of Porsena withdrawing his army from Rome in consequence of his admiration for the heroism of the Romans.(62) Nothing is indeed heard of the Falisci for some time;(63) but there is no reason to suppose that they surrendered their independence at this period; for in 357 B.C., only thirty-seven years afterwards, they are described as at war with the Romans, and afterwards receiving a truce for forty years:(64) hostilities with them are renewed in 293 B.C., when they receive only a year's truce, and are mulcted in a war contribution;(65) and they even ventured to rebel against the Roman power so late as 241 B.C.(66)

Our historians represent Camillus as falling under the displeasure of the people, for his conduct in respect of the plunder of Veii, and the occupation of the town: but they assign various

(61) Camillus, in Livy, v. 51, says to the Romans, after the burning of the city: 'Invenietis omnia prospere evenisse sequentibus deos, adversa spernentibus. Jam omnium primum Veiens bellum (per quot annos, quanto labore gestum!) non ante cepit finem, quam monitu deorum aqua ex lacu Albano emissa est.'

(62) Above, p. 17, 38.

(63) Some Falisci who had deserted to the Romans in the late wars, were received by them into the tribes, with some Veientine and Capenate deserters, after the departure of the Gauls, in 389 B.C.; Livy, vi. 4.

(64) Livy, vii. 16, 17, 22.

(65) Livy, x. 45-6.

(66) Livy, epit. xix; Polyb. i. 65. Compare Niebuhr, Hist. ib. p. 492.

grounds for his condemnation. Embezzlement of a portion of the booty, among which some brazen gates are specifically mentioned; its unequal division; the reservation of too large a portion to the state; the reservation of too small a portion to the state; the consecration of a tenth part to Apollo; the triumphing with four white horses; and the causing of calamitous prodigies and portents to the state, are variously reported as the offence for which he went into exile, and was subsequently fined.(67) The ancient writers who repeat these charges do not regard him as guilty,(68) but treat him as the victim of an unjust popular prejudice, and look upon his exile as a national calamity. Hooke maintains that he was guilty of a fraudulent appropriation of the plunder:(69) and a similar view is taken by Niebuhr and Dr. Arnold.(70) The Roman writers regarded Mælius as guilty,

(67) Above, p. 308, n. 30. The advice of Crœsus to Cyrus, in Herod. i. 89, is a stratagem for enabling the king to get possession of all the plunder by pretending to dedicate a tithe of it to Jupiter. The disposition of Camillus, consistently with his patrician sentiments, would be to reserve as much of the plunder as he could for the treasury, and not to divide it among the soldiers. Thus, Livy says of his defeat of the Volscians, in the year after the burning of Rome: 'Fusis hostibus cæsisque, quum castra impetu cepisset dictator, prædam militi dedit; *quo minus speratum a minime largitore duce*, eo militi gratiorem;' vi. 2.

(68) See ibid. and Cic. Rep. i. 3, who enumerates the 'exilium Camilli' among the 'calamitates clarissimorum virorum, injuriasque iis ab ingratis impositas civibus.'

(69) Note to b. iii. c. 2, where the grounds for a very unfavourable view of the character and conduct of Camillus are expounded at length.

(70) Hist. ib. p. 501-3. Niebuhr expresses his opinion with doubt: for he concludes a long series of interrogatories by remarking, that 'the solution of the question assuredly lies within the range of these cases; but to pronounce upon it with confidence is impossible.' In his Lectures, he takes a somewhat different view of the case. He there says truly, that 'it would be an unprofitable labour to speculate on the guilt or innocence of Camillus'—that 'we cannot decide whether Camillus took more than he was legally allowed or not:' and he adds that 'the real cause of the hatred against Camillus was of a political kind, for down to the end of his life he stood at the head of the most stubborn patrician party;' vol. i. p. 252. The words of Livy, v. 32, 'se collaturos quanti damnatus esset, absolvere eum non posse,' are understood by Hooke and Niebuhr, ib. p. 502, to mean that the clients of Camillus declared that they could not vote for his acquittal; implying that they believed him to be guilty. The interpretation of Crevier is different; he understands the word *absolvere* to mean *efficere ut absolveretur*. 'Their number was not sufficient to secure his acquittal against the general feeling, but they could save him harmless from the fine.' The former interpretation is supported by the passage of Dio Cassius, fragm. xxiv. 6, completed by Zonaras, vii. 22, which describes the friends of Camillus as refusing to vote for him, out of envy.

and as justly put to death; and they regarded Camillus as innocent, and as unjustly driven into banishment. It is now proposed to reverse both these sentences: to exculpate Mælius, and to condemn Camillus. If, however, we are not prepared to take the decisions of the ancient writers upon trust, we must remain in uncertainty; as it is impossible for us to form any well-grounded judgment upon these questions for ourselves. The materials for such a judgment do not exist. In the case of Camillus, we do not know, with any approach to certainty or precision, what is the charge which was preferred by the tribune Appuleius against him; still less do we know the evidence by which it was supported. Even with regard to the two Scipios, who were subjected to charges of peculation about two hundred years afterwards, in an age of contemporary registration, the accounts are obscure and inconclusive.(71) Another circumstance which increases the difficulty of explaining the condemnation of Camillus, is, that it is reported to take place no less than five years after the fall of Veii. The prayer of Camillus on leaving Rome, in which he alludes prophetically to the capture of the city by the Gauls, cannot be considered as historical.(72)

With regard to the main fact of the capture of Veii, we have an attestation which, though not complete, is more ancient than those upon which this portion of history is in general founded. If we give credit to the account of the adventures of the golden crater, its connexion with the plunder of Veii on the one hand, and with Timasitheus on the other, we have a recognition of the reality of this siege by a public act of the Roman state during the First Punic War, less than one hundred and fifty years after the event, and nearly half a century before the earliest native historian.(73)

(71) See Livy, xxxviii. 50—60.

(72) Above, p. 308, n. 31.

(73) Cornelius Nepos stated that Melpum, in northern Italy, was taken by the Gauls on the same day on which Camillus took Veii. 'Item Melpum opulentiâ præcipuum, quod ab Insubribus et Boiis et Senonibus deletum esse eo die quo Camillus Veios ceperit, Nepos Cornelius tradidit;' Plin. N. H. iii. 21. So the battles of Platæa and Mycale were

There are likewise in Greek history some instances of the memory of certain events being kept up by the adventures which befell works of art connected with them. Thus the celebrated bull of Phalaris was taken by Himilco at the sack of Agrigentum in 406 B.C., and transported to Carthage; it was found there at the capture of the town by Scipio in 146 B.C., 260 years afterwards, and restored by him to Agrigentum, where it remained in the time of Diodorus.(74) Soon afterwards the Carthaginians took a colossal statue of Apollo, which stood outside the town of Gela, and sent it as a present to their mother city. This statue was still standing at Tyre when the town was besieged by Alexander, and it was recaptured by him, according to Timæus, on the same day, and at the same hour, when it had been carried away from Gela by the Carthaginians. The Greeks honoured it with sacrifices and processions, as having enabled them to take the city.(75) Alexander likewise found at Susa, and restored to the Athenians the statues of Harmodius and Aristogiton made by the ancient sculptor Antenor, which Xerxes had carried off in his expedition to Greece. These statues having been erected in 509 B.C., having been carried by Xerxes to Susa in 480 B.C., and having been restored by Alexander in 331 B.C., were still preserved at Athens in the times of Arrian and Pausanias, in the second century after Christ.(76)

That the Romans, a short time before the burning of their own city by the Gauls, besieged and captured Veii, and extinguished the Veientes as a separate community, are facts which

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reported to have taken place on the same day; Herod. ix. 101, and the battles of Salamis (or Thermopylæ), and of Gelon against Hamilcar, ib. vii. 166; Diod. xi. 24.

(74) Diod. xiii. 90; Polyb. xii. 25; Fragm. Hist. Gr. vol. i. p. 222. Compare Goeller de Orig. et Sit. Syr. p. 272; Grote, Hist. of Gr. vol. v. p. 274.

(75) Diod. xiii. 108. See Curt. iv. 3, who mentions the circumstance, but names Syracuse instead of Gela. It seems that the Tyrians mistrusted the fidelity of Apollo, and in consequence of a warning dream, they bound his statue by a golden chain to the altar of Hercules, the patron god of the city.

(76) See Arrian, iii. 16, vii. 19; Paus. i. 8, § 5; Plin. N. H. xxxiv. 19, § 10.

cannot be reasonably doubted. But the detailed narrative which has been handed down to us bears throughout a legendary character; it has the impress of construction at a later date, from floating oral traditions; whence such narrations as that respecting the reward of the matrons.(77) It is conjectured by Niebuhr, that the account of the first eight years of the war is derived from the annals; but that the narrative of the last two years, beginning with the prodigy of the Alban lake, is founded upon a poem, containing an epic recital of the exploits of Camillus.(78) This hypothesis, however, even if it could be supported by probable proof, would not assist us in the examination of the evidences of the history. We know nothing of any annals from which the account of a portion of the war could have been taken; nor can it be conceived that if there were authentic annals extant for the longer but less important part of the war, they would not have been followed for the shorter, but more important part. With regard to a poem on the war of Veii, the date of its composition would be a material element in determining its historical value. A poem, for example, such as the Persæ of Æschylus, or the Punic war of Nævius, composed at or soon after the time, would be a more trustworthy guide than a prose narrative written down from floating oral traditions many years afterwards. Even however if it were assumed that such a poem had existed, we have no means of ascertaining when, or by whom, or under what circumstances, or from what materials, it was composed.

Dr. Arnold, in the main, follows Niebuhr's views. After having remarked that the internal history of Rome in the first century of the commonwealth is obscure and often uncertain, that we cannot place full confidence in the details of events, or of individual characters; and that the family traditions and funeral orations out of which the oldest annalists compiled their nar-

(77) Above, p. 305, n. 32.

(78) Hist. vol. ii. p. 475; Lect. vol. i. p. 245. In the latter passage, Niebuhr himself says: 'The detail about the Alban lake and the like belong to poetical tradition, and must be taken as the ancients give them: *whether they were composed in prose or in verse, is a matter of no consequence.*'

ratives were often at variance with each other, and dealt largely in exaggeration and misrepresentation ;—he proceeds to say that, with respect to domestic events, the accounts of different families were a check upon one another, but with respect to foreign events, this check was wanting, that any family might claim victories over a foreign enemy, and that hence the narratives of the early wars are less to be trusted than any other portion of the history. Among the wars which have been falsified by family vanity he includes the final war against Veii. The stories told of the Furian family were, he says, so popular that they were not merely engrafted upon the brief notices contained in the genuine records of the time, but took the place of these altogether ; so that the history of the capture of Veii has not been preserved at all. For it there has been substituted a poetical legend—the last and not the least beautiful of the poetical legends of the early Roman history ; and this romantic story belongs entirely to the traditions and funeral orations of the Furian family.(79) Now, upon this hypothesis, as to the origin of the tale of Veii, we may observe, that it combines two conditions, which seem repugnant to one another. It is conceivable, though it has not been made probable, that the received account of the taking of Veii was derived from a poem. It is likewise conceivable that this account may have been derived from the memoirs, funeral orations, and oral traditions of the Furian family, though the proof of such derivation is equally wanting. But that it should have both origins at the same time ; that the family memoirs should be derived from a poem, or that the poem should be derived from family memoirs, seems equally incredible.

§ 79 Camillus did not, like Coriolanus, join the enemies of his country ; but he took refuge in Ardea, a city which since the occurrences in 442 B.C., already described,(80) had been friendly to Rome, and in part a Roman colony. It was not long before his prayer that the Romans might soon feel the want of him, was

(79) Hist. of Rome, vol. i. p. 371, 391, 393.
(80) Above, § 58.

fulfilled in the arrival of a new enemy from the north. Instead of another attack from the Sabines, the Æquians, the Volscians, or the Etruscans, those ancient enemies of Rome:(81) we hear for the first time of an irruption made by a large army of Gauls; who defeat their army, and afterwards burn their city.

With respect to the time when the Gauls crossed the Alps, and established themselves in northern Italy, there are two accounts; one of which places this migration in the reign of Tarquinius Priscus;(82) the other refers it to an indefinite, but not very long time before the burning of Rome.(83) Besides these, however, there is a third account, which seems to have been that most commonly adopted in antiquity, and which differs from both the others.

This story is that an inhabitant of the Etruscan town of Clusium, named Aruns, whose wife had been seduced by his own ward, a powerful grandee, named Lucumo, was desirous of obtaining vengeance, and for this purpose was forced to look for assistance from abroad. He directed his course towards the Gauls who dwelt beyond the Alps, and by a present of wine, which they had never tasted, tempted them to invade the southern region where the grape was produced.(84) This story implies

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(81) 'Æquorum jam velut *anniversariis armis* adsuerat civitas;' says Livy, iv. 45.

(82) Above, ch. xi. § 24.

(83) Polyb. ii. 18, makes a certain indefinite time, but long enough for the successive conquests of different tribes, intervene between the first settlement of the Gauls in Northern Italy and the battle of the Allia. In iii. 48, he complains that the historians of the Second Punic War did not know that the Celts on the Rhone had crossed the Alps with large armies, not merely once or twice before the passage of Hannibal, and not in remote times, but recently. Dio Cassius describes the Gauls, in early times, as frequently crossing the Alps, and ravaging the northern parts of Italy; xxxviii. 40.

(84) Livy, v. 33; Dion. Hal. xiii. 14-17; Plut. Cam. 15; Zon. vii. 23. Appian, Hist. Rom. iv. 2, says that in the 97th Olympiad, a portion of the Celts near the Rhine, in consequence of the insufficiency of the country for their population, migrated, in search of another territory: that they crossed the Alps, and attacked the Clusines. This date (392 B.C.) corresponds with the Gallic capture of Rome. Dionysius describes Aruns as carrying both wine and oil: instead of wine, he says, they used an unsavoury juice extracted from barley soaked in water, and reduced to a state of putrefaction: instead of oil, they used swine's fat kept for a long time. The description of

that the first appearance of the Gauls in Italy, and their attack upon Clusium, were parts of the same movement.

The people of Clusium, unable, as it seems, to obtain assistance from their Etruscan neighbours, send to seek it from Rome. The Romans refuse assistance, but employ the three sons of M. Fabius Ambustus, as ambassadors, to remonstrate with the Gauls, and to induce them to depart. The three Fabii, however, do not confine themselves to intercession; they fight in the ranks of the Clusians, and one of them kills a Gaulish chieftain. The Gauls send envoys to Rome to complain of this breach of international law; but the Senate, unwilling to give any redress, refer the question to the people, who dismiss the Gallic ambassadors, and elect the three Fabii consular tribunes for the next year.(85) Livy and Dionysius both represent the Senate as reluctant to afford any satisfaction; Diodorus however says that the Senate offered the Gallic ambassadors a pecuniary compensation, and when this was refused they decided to give up the offender: but his father, who was one of the consular tribunes, appealed to the people, and persuaded them to reverse the decision of the Senate. 'From this time (adds Diodorus) the people began to interfere with the decrees of the Senate, having previously been accustomed to leave them unquestioned.'(86)

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the ancient beer resembles that in the Germany of Tacitus; c. 23. Zonaras, vii. 23, says that the Gauls, when they had taken Rome, committed excesses in drinking wine, having never before tasted that beverage. This supposes that they had only recently descended into Italy. Appian, H. R. iv. 7, speaks of the Gauls inhabiting a country which did not produce wine.

(85) Livy, v. 35; Dion. Hal. xiii. 18, 19; Plut. Cam. 17, 18; Dio Cass. xxv. 1; Zon. vii. 23; Appian, Hist. Rom. vi. 2 and 3. Livy, vi. 1, states that as soon as Q. Fabius had abdicated his office of consular tribune, he received notice of trial from C. Marcius, tribune of the plebs, for fighting against the law of nations, but he died before the trial came on, as it was thought, by his own hand.

(86) Diod. xiv. 113. The list of consular tribunes for this year given by Diodorus, c. 110, differs widely from that of Livy, v. 36; but as he does not mention the name of the offending ambassador, we cannot identify his father. He has only one Fabius in this list of six names: viz., Kæso Fabius. Kæso Fabius Ambustus is mentioned several times by Livy about this period. If we suppose that M. Fabius Ambustus, the Pontifex Maximus, is the father alluded to by Diodorus, his account cannot be reconciled with Livy's Fasti, or even with his own. The expressions of Diodorus in

§ 80 The Gauls now advance upon Rome, having, according to Diodorus, increased their numbers, by the accession of other Gallic tribes, from 30,000 to 70,000 men, whereas the strength of the Roman army consisted only of 24,000 men. It is mentioned as an unfortunate circumstance that the consular tribunes who commanded the Romans were the same persons who, as ambassadors, had, by their rashness, provoked the war.(87) The battle, so fatal to Rome, which now ensued, is described by Livy as having been fought on the banks of the Allia, a river falling into the Tiber from the Crustumian hills, about eleven miles from Rome.(88) He conceives the Gauls as having crossed the Tiber, and as advancing to Rome on its left bank: and he describes the Romans as resting their left wing on the Tiber, while their right wing was at a distance from the river and under the hills. When the battle had been lost, and the Roman army was put to flight, as many of the left wing as escaped, swam across the Tiber, and escaped to Veii: the right wing returned to Rome, and occupied the Capitol.(89) Dio-

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this passage, ὁ δῆμος—τὰ πλήθη—and the opposition of the δῆμος to the Senate, make it quite clear that he understands the *people* in the ordinary sense. Niebuhr, however, by his contrivance about the words δῆμος and *populus*, makes it out that the curiæ, that is the patricians, are meant; vol. ii. note 1187. This interpretation inverts the meaning of the passage, and makes it self-contradictory and unintelligible. According to Dion. Hal. xiii. 19, the strength of the Roman army consisted of four complete legions—which statement, if we estimate a legion at 6000 men, agrees with that of Diodorus. The legion however at this time was probably not so numerous. See Becker, iii. 2, p. 248. Plutarch, Cam. 18, states that the Roman army consisted of not less than 40,000 men in full armour.

(87) Livy, v. 37. Florus, i. 13, says that Fabius the consul commanded at the Allia.

(88) An ancient controversy respecting the orthography of the name of *Allia* has been reopened by Niebuhr, who thinks that it ought to be written *Alia*. See Hist. vol. ii. n. 1174. Compare the notes on Liv. Epit. v. in Drakenborch's edition, and Duker ad Flor. i. 13, 7. The spelling varies in the manuscripts. Alschefski writes it *Allia* in Livy, v. 37, and *Alia* in v. 39, vi. 1, 28-9. Virgil and Lucan lengthen the first syllable, and write it with the double letter. Servius, on whose authority Niebuhr partly relies, makes a ridiculous mistake in supposing that *aliæ* in the following passage of Lucan refers to the river:

> Non istas habuit pugnæ Pharsalia partes,
> Quas aliæ clades.—vii. 632-3.

The name is written Ἀλλίας in Plut. de Fort. Rom. 12.

(89) Livy, v. 38. Plutarch, Cam. 18, agrees with Livy in the descrip-

dorus says nothing of the Allia; he states that the battle was at the distance of eighty stadia, or ten miles from Rome: but he places it on the right not the left bank of the Tiber. He must conceive the Gauls as still to the north-west of the river, for he describes the Romans as crossing it before the battle, and as swimming it in their flight to the city.(90) This great disaster is said to have befallen the Romans on the fifteenth day before the kalends of Sextilis or August, equivalent to the 18th of July, according to our calendar.(91) The battle of the Allia is further reported to have fallen on the anniversary of the former disastrous battle of the Cremera; so that when the day was permanently marked as unlucky, it acquired the name of *Dies Alliensis*, and the commemoration of the Cremera became of secondary importance.

§ 81 The effect of the battle was, we are told, to annihilate the defensive force of Rome. The entire army was routed: numbers were killed on the plain or drowned in attempting to

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tion of the battle, and seems to follow him. He states the distance at 90 stadia=11 miles: and he gives a similar account of the position of the two wings. The following account of the festival of Lucaria agrees with the supposition that the battle was fought on the left bank of the river; as the Via Salaria issued from Rome on that side of the Tiber, and passed along its left bank: 'Lucaria festa in luco colebant Romani, qui permagnus inter viam Salariam et Tiberim fuit, pro eo quod victi a Gallis fugientes e prælio ibi se occultaverint;' Festus, p. 119.

(90) Ib. c. 114, 115.

(91) Livy, vi. 1, says that fifteen days before the calends of Sextilis (18 July) was the anniversary of the battle of the Allia. Tacit. Hist. ii. 91, makes the same statement, and he adds, Ann. xv. 41, that the city was taken and burnt on the following day, fourteen days before the calends of August (19 July). Servius, Æn. vii. 717, states the same day for the battle. Livy, vi. 1, Tacit. Hist. ii. 91, and Plut. Cam. 19, agree in stating that the battle of the Allia fell on the anniversary of the battle of the Cremera. Victor, de Vir. Ill. 23, states that the dies Alliensis was the sixteenth day before the calends of August (17 July). Plutarch agrees as to the day, inasmuch as he says that the Gauls entered Rome a few days after the ides of Quintilis (15 July); Cam. 30. Elsewhere he states that the battle of Allia fell about the summer solstice, that is, June 21. In Quæst. Rom. 25, where he reverts to the question, he misunderstands the meaning of Livy, in vi. 1. The unlucky character of the day after the ides, was traced to the fact that Q. Sulpicius, the consular tribune who commanded at the Allia, sacrificed on the day after the ides of Quintilis (16 July). See Macrob. Sat. i. 16, § 23; Gell. v. 17. These sacrifices, however, did not necessarily take place on the day of the battle. See F. Lachmann, de Die Alliensi (Gotting. 1822), p. 4. Above, p. 148, n. 179.

cross the Tiber ;(92) and the larger part of those that escaped found a refuge in Veii ;(93) others retreated to the Capitol, leaving the city gates unwatched, and the city itself undefended. All the writers agree in stating that the Gauls entered Rome shortly after their victory. Polybius says that they took possession of Rome three days after the battle.(94) Livy describes them as marching up to the walls before sunset on the same day, but as suspecting a concealed attack when they found everything deserted, and settling down for the night between the Tiber and the Anio.(95) This again marks their position on the left side of the Tiber. The rest of Livy's narrative is not clear as to the precise time which elapsed before the Gauls entered the city. In one place he appears to represent one day as intervening between the battle and the entry of the city; in another place he states that those events were on successive days.(96) Zonaras says that they advanced to the walls of Rome on the day after the battle, and entered it on the next day.(97) The account of Plutarch is similar, who says that they entered

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(92) In the next year the Volscians attack the Romans: and Livy, vi. 2, says: 'Quibus ab contemptu (quod prope omnem deletam a Gallis Romanam juventutem crederent) ad bellum profectis.'

(93) Quum pars major ex acie Veios petisset, Livy, v. 39; *οἱ μὲν πλεῖστοι τῶν διασωθέντων πόλιν Βοιοὺς κατελάβοντο*, Diod. xiv. 115.

(94) ii. 18. The language of Polybius seems to imply that he conceived the battle as fought at some considerable distance from Rome—for he says that *they pursued the routed enemy*, and took Rome in three days after the battle. He also speaks of the Romans *and their allies* (*τοὺς μετὰ τούτων παραταξαμένους*): whereas the common account represents the Romans as arming in haste, and having no time to send for allies. Livy speaks of their 'tumultuarius exercitus raptim ductus;' v. 37. Zonaras says that *σπουδῇ ἐξελθόντες καὶ ἀτάκτως ἀγωνισάμενοι αἰσχρότατα ἥττηντο*, vii. 23. Dio Cass. xxv. 3, describes the sudden and unexpected nature of the attack. The narrative of Diodorus likewise excludes all idea of allies. It is possible that Polybius conceived the battle of the Allia as having been fought by the Romans and the Clusines against the Gauls, either at or near Clusium.

(95) v. 39. The fear of an ambuscade is particularly mentioned by Diodorus, Zonaras, and Servius, Æn. viii. 652.

(96) In c. 39, 'lux altera' is the day after the battle: the 'occasus solis' is the evening of the same day; the 'lux appropinquans' is the second day after the battle. In c. 51, he speaks of the Gauls entering the city 'postero die' after the battle. Tacitus makes the anniversary of the capture of the city the day after the anniversary of the battle.

(97) vii. 23.

the city on the third day:(98) that is to say, after one day's interval. Diodorus describes the Romans as enjoying a respite of three days. The Gauls (he says) consumed the first day in cutting off the heads of the dead, according to the custom of their nation;(99) the two next days they encamped close to the city, suspecting, from the noise made by the removal of articles into the Capitol, that an attack was in preparation: on the fourth day, they discovered the true state of the case, broke open the gates, and took possession of the town.(100)

The Capitol was now occupied by the fighting men, and the more active portion of the senators. The plebeian families escaped, as they best could, to Veii and other neighbouring towns,(101) and the aged patricians, the men of consular dignity, remained in their houses, in order that they might share the fate which befel the aged plebeians. It is mentioned that the Flamen of Quirinus and the Vestal Virgins buried some of the sacred objects in casks in a chapel close to the house of the Flamen; and carried off the rest in their arms. They took their course over the Sublician bridge, and as they were walking up the ascent to the Janiculum, L. Albinius, a plebeian, who, with his wife and children, was leaving the town in a wagon, caused his family to descend, placed the Vestal Virgins and the sacred articles in the wagon, and conveyed them to Cære. The place connected with this story was called *Doliola*, and was shown in the Forum Boarium, near the mouth of the Cloaca Maxima: it was not permitted to spit upon this sacred spot of ground.(102)

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(98) Cam. 22: *τρίτῃ ἀπὸ τῆς μάχης ἡμέρᾳ*. The same account is given by Servius, ib. He says that they were afraid to enter the city on the next day after the battle.

(99) Livy describes the occupations of the Gauls after the battle as being 'cæsorum spolia legere, armorumque cumulos, ut mos eis est, coacervare;' v. 39.

(100) xiv. 115. Livy says that they entered by the Colline gate, which they found open; v. 41. Plut. Cam. 22, also mentions the Colline gate. This statement agrees with Livy's account of the place of the battle.

(101) Livy says that they at first poured in one stream into Mount Janiculum; v. 40. This is consistent with his view that the Gauls advanced upon Rome by the eastern bank of the Tiber.

(102) Livy, v. 40; Plut. Cam. 20, 21; Val. Max. i. 1, § 10; Flor. i. 13. Livy says: 'Optimum ducunt, condita in doliolis sacello proximo ædibus

The explanatory legend attached to this holy place was not fixed: for Varro, though a learned antiquarian, knew nothing of the story about the concealment of sacred objects during the Gallic occupation; but traced the origin of the name either to some bones which had been there buried, or to some sacred books of Numa which were deposited there after his death.(103)

The Gauls were now undisputed masters of the entire city, with the exception of the Capitol. They are said to have been seized with amazement at the dignified appearance of the aged senators; but one of them, M. Papirius, having struck with his ivory staff a Gaul who stroked his beard, was immediately cut down, and the slaughter of the others soon followed. Livy says that they remained in the vestibules of their own houses: Plutarch however describes them as sitting in the forum on their curule chairs, and awaiting their fate. Both writers speak of M. Fabius, the Pontifex Maximus, having, by a solemn form of words, devoted them to death.(104) After the slaughter of the senators, the rest of the population who had not fled were put to death, and the town was sacked and burnt. The destruction of the town, with the exception of the Capitol, by fire is described as complete: Livy says that nothing was spared;(105)

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flaminis Quirinalis, *ubi nunc despui religio est,* defodere.' Festus, p. 69: Doliola locus in urbe sic vocatus, quia invadentibus Gallis Senonibus urbem sacra in eodem loco doliolis reposita fuerunt. Quâ de causâ in eodem loco ne despuere alicui licebat. Compare Becker, vol. i. p. 484. Camillus alludes to the removal and burying of the sacred objects, in his speech after the departure of the Gauls: 'Sacra in ruinâ rerum nostrarum alia terræ celavimus, alia, avecta in finitimas urbes, amovimus ab hostium oculis;' v. 51.

(103) Locus qui vocatur Doliola ad cloacam maximam, ubi non licet despuere, a doliolis sub terrâ. Eorum duæ traditæ historiæ, quod alii inesse aiunt ossa cadaverum, alii Numæ Pompilii religiosa quædam post mortem ejus infossa; Varro, de L. L. v. § 157. By 'religiosa quædam,' sacred books (scripta) appear to be meant. The sacred books of Numa, which were dug up in 181 B.C., were said to have been found in the Janiculum. See above, vol. i. p. 450, n. 135; Schwegler, vol i. p. 564.

(104) Livy, v. 41; Plut. Cam. 21. Florus, i. 13, agrees with Livy. Zonaras, vii. 23, agrees with Plutarch, and states that they were eighty in number. Ovid, like Livy, supposes the aged consulars to have been killed in their own houses:

> Vidimus ornatos ærata per atria pictâ
> Veste triumphales occubuisse senes.
>
> Fast. vi. 357-8.

(105) Etsi omnia flammis ac ruinis æquata vidissent; v. 42. Quum

Diodorus, that they left nothing standing but a few houses on the Palatine. The accounts of the rebuilding of the city, after the departure of the Gauls, likewise imply that the conflagration had extended over the whole city.(106)

But although the Gauls have pillaged and ruined the city, the Capitol still holds out, defended by its small garrison.(107) An attempt to take it by storm is repulsed; and the Gauls prepare to reduce it by siege: being however destitute of provisions, they send a portion of their army to collect supplies in the neighbouring country. A party of these foragers who went towards Ardea, is related to have been cut off by the Ardeates, under the command of Camillus: the Romans in Veii likewise meet with like success against a body of plunderers from Etruria.(108)

The Gauls now desist from any active attacks upon the Capitol, and only seek to prevent all ingress or egress. One day however C. Fabius Dorso descends from the Capitol, passes through the enemy's lines, crosses the valley of the forum, and ascends the adjoining Quirinal hill, in order to perform a hereditary sacrifice of his family, which was due at that spot on that day; and having punctually fulfilled this sacred obligation, he returned unhurt into the Capitol. Such is the account given by Livy and Valerius Maximus.(109) This incident is however related with some divergence by other writers; Dio Cassius and Florus represent it as a public sacrifice, performed by one of the pontifices, whom the former calls Kæso Fabius, the latter Fabius simply.(110) Appian again, on the authority of Cassius Hemina,

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inter incendia ac ruinas captæ urbis nihil superesse præter armatos hostes viderent; ib. 43. Compare the speech of Camillus, c. 53. Plut. Cam. 22. Florus says: Faces tectis injiciunt, et totam urbem igne, ferro, manibus exæquant; i. 13.

(106) Livy, v. 55. Compare Tac. Ann. xv. 43.

(107) Florus i. 13, says that it scarcely amounted to 1000 men.

(108) Livy, v. 43-5. The exploit of Camillus at Ardea is likewise recounted by Plut. Cam. 23: Zon. vii. 23. Diodorus mentions the defeat of the Etruscans by the Romans at Veii, and the recovery of the plunder: but he says nothing of the exploit of Camillus.

(109) Livy, v. 46, 52; Val. Max. i. 1, § 11.

(110) Dio Cass. fragm. xxv. 5; Florus, i. 13.

states that it was a public sacrifice performed in the temple of Vesta, by a priest named Dorso.(111)

We now hear that the Romans in Veii, under the guidance of Cædicius, wish that Camillus should be appointed dictator. Livy says that they are unwilling to take this step without the consent of the Senate.(112) Plutarch and Dio Cassius represent them as sending a deputation to Camillus, and receiving from him an injunction to this effect.(113) Dionysius however describes Cædicius and the Romans in Veii appointing Camillus dictator, of their own authority, and without communication with the Senate.(114) According to Livy and Plutarch, the process is more circuitous. Pontius Cominius, having provided himself with corks, swims the Tiber; the Sublician bridge now being guarded by the Gauls;(115) mounts into the Capitol by the Porta Carmentalis; and delivers his message from the Romans in Veii. Plutarch says that the Senate appointed Camillus dictator: according to Livy, they decreed that when Camillus had been recalled from exile by the comitia curiata, he should be appointed dictator by the people. This course was taken by the Romans in Veii, and Camillus was constituted dictator.(116) Diodorus mentions the visit of Pontius Cominius to the Capitol,

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(111) Appian, Hist. Rom. iv. 6. This fragment is omitted by Krause, p. 157—66. Cassius Hemina wrote about the Third Punic War, 146 B.C., and was therefore a century older than Livy. The incident is alluded to by Minucius, Oct. 6.

(112) v. 46. Adeo (he says) regebat omnia pudor, discriminaque rerum prope perditis rebus servabant.

(113) Plut. Cam. 24; Dio Cass. xxv. 7.

(114) Dion. Hal. xiii. 7-8.

(115) It may be remarked that the narrative is consistent in this point. When Albinius and the flamen and Vestal virgins were escaping over the Sublician bridge, the Gauls had not yet entered the city. If however (with Diodorus) we suppose the battle to have been fought on the right bank of the Tiber, the Gauls would naturally have been in possession of the bridge on the day of the battle.

(116) Livy, v. 46; Plut. Cam. 24, 25. Plutarch is followed by Zon. vii. 23; Claudius Quadrigarius ap. Gell. xvii. 2, § 24. Plutarch, c. 26, says that Camillus found 20,000 men in arms, and that he collected other forces from the allies. According to Appian, H. R. iv. 5, Cædicius received instructions from the Senate in the Capitol for the appointment of Camillus as dictator.

but describes it as intended to communicate to the Romans in the Capitol the prospect of relief from their countrymen in Veii.(117) Frontinus, on the other hand, represents Cominius as sent by the Romans in the Capitol to ask assistance from Camillus, as going to Veii and returning to the Capitol.(118)

In the meantime, the Capitol had been in imminent danger of a surprise: for the footsteps of Cominius or of some other messenger from Veii had been observed by the Gauls on the side of the rock, or they had perceived the easiest ascent; and they accordingly planned a night-attack, which was nearly successful. A Gaul was about to scale the rampart, when the sacred geese of Juno, which had been spared by the ill-fed garrison, disturbed by the unwonted sounds, gave the alarm by their screams, and the flapping of their wings; M. Manlius, who had been consul two years before, rushed to the place and threw down the leading assailant: others came to his aid, and the Capitol was saved. Manlius was rewarded by the voluntary gift of half a pound of flour and a quarter of a pint of wine from each of the garrison. According to Livy, Q. Sulpicius, the consular tribune, wished to put all the men on guard to death; but, on the remonstrance of his soldiers, was satisfied with throwing one down the rock. Dionysius says that the Senate sentenced them all to death, but that the people, more merciful, were contented with the punishment of one.(119)

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(117) Diod. xiv. 117; Dio Cassius, fragm. xxv. 8, nearly agrees with Diodorus. He says that Camillus sent the messenger to inform the garrison in the Capitol of his intention to attack the Gauls.

(118) Strat. iii. 13, § 1.

(119) Livy, v. 47; Plut. Cam. 27; Dion. Hal. xiii. 9-12; Dio Cass. xxv. 8; Zon. vii. 23; Diod. xiv. 117; Plut. de Fort. Rom. 12. Dionysius knows nothing of the expedition of Cominius, and therefore describes the footsteps on the Capitol as those of a certain young man (νέος τις). Servius, Æn. viii. 652, gives the following account: 'Postea paulatim ingressi [Galli] cuncta vastarunt octo integris mensibus, adeo ut quæ incendere non poterant, militari manu diruerent, solo remanente Capitolio: ad quod cum utensilibus reliqui confugerant cives, qui tamen a Gallis obsidebantur, etiam id penetrare cupientibus: quos alii per dumeta et saxa aspera, alii per cuniculos dicunt conatos ascendere. Tunc Manlius custos Capitolii Gallos detrusit ex arce, clangore anseris excitatus, quem privatus quidam dono Junoni dederat.' The warning of the goose is mentioned by Veget.

Two sacred legends commemorated the privations of the garrison in the Capitol. The altar of Jupiter Pistor was said to have been so named because the Romans, having received a warning from Jupiter to give to the enemy that which they were least willing to part with, pelted their assailants with loaves of bread. This appearance of plenty deceived the Gauls, who, despairing of success, raised the siege.(120) Livy, Florus, and Frontinus indeed mention this incident as having actually occurred.(121) Another legend declared that the altar of Jupiter Soter on the Capitol was so named, because, when the siege of the Capitol was raised, the garrison burnt upon it the pieces of leather and old soles of shoes, which they had moistened, and used for assuaging their hunger.(122)

§ 82 The Gauls after a time suffered from want of food, and from pestilence. Numbers of them died, and their bodies were burnt in heaps: whence the place in Rome called *Busta Gallica* received its name.(123) A truce was afterwards made; but no succours came from without, and the garrison were now compelled by famine to capitulate. Hints were thrown out by the

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de Re Mil. iv. 26. The defence of the Capitol by Manlius was referred to when he was accused of aiming at supreme power, and was thrown in prison by the dictator; Livy, vi. 17. The people were assembled for his trial in the Peteline grove, in order that they might not be within sight of the Capitol; ib. 20. Manlius saved the Capitol; Appian, H. R. ii. 9. The attack of the Capitol by a mine, alluded to in the above-cited passage of Servius, is mentioned by Cicero pro Cæcinâ, 30; Philipp. iii. 8. It is unknown to the historians. Cicero speaks of the choice of a precipitous citadel by Romulus: 'ut ita munita arx circumjectu arduo et quasi circumciso saxo niteretur, ut etiam in illâ tempestate horribili Gallici adventus incolumis atque intacta permanserit;' De Rep. ii. 6.

(120) Ovid. Fast. vi. 343—88.

(121) In quibus [colloquiis] quum identidem Galli famem objicerent, dicitur avertendæ eius opinionis causâ multis locis panis de Capitolio jactatus esse in hostium stationes; Livy, v. 48. [Manlius], ut spem hostibus demeret, quamquam in summâ fame, tamen ad speciem fiduciæ, panes ab arce jaculatus est; Florus, i. 12; Frontinus, iii. 15, § 1.

(122) In tantam autem cibi penuriam redacti erant in obsidione, ut coriis madefactis et postea frictis vescerentur, cujus rei argumentum est, quod hodieque ara in Capitolio est Jovis Soteris, in quâ, liberati obsidione, coria et sola vetera concremaverunt; Serv. Æn. viii. 652.

(123) Livy, v. 48. Varro says that name was given because the bones of the Gauls were collected together in this place, after the city was recovered; De L. L. v. § 157. See Becker, vol. i. p. 485.

Gauls that they were willing to accept a price for leaving the city. The Senate authorized the consular tribunes to negotiate, and Q. Sulpicius agreed with Brennus, the king of the Gauls, that, for 1000 pounds of gold, the siege would be raised. When Sulpicius complained that false weights had been used, Brennus threw his sword into the scale, adding the famous words, *Væ victis!*(124)

At this critical moment, Camillus appears on the stage. He orders the gold to be removed; and declares to his own soldiers that they must recover their country, not with gold, but with steel. When the Gauls complain of a breach of faith, Camillus says that he is dictator, and that the inferior magistrate could not make a valid treaty without his consent: he therefore tells them to prepare for battle. The conflict takes place on the site of the ruined town; and the Gauls are routed; a second battle is fought on the Gabine road, near the eighth milestone, and the

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(124) Livy, v. 48; Plut. Cam. 28; Zon. vii. 23; Florus, i. 13; Dion. Hal. xiii. 13. Dionysius makes the gold amount to twenty-five talents. He says that the false weights, the sword with the sheath and girdle, made the quantity brought by the Romans deficient by one-third. They therefore took time for collecting a large quantity, and they were still ignorant of what had been done by Cædicius and Camillus. This version differs from that of Livy, who represents Camillus as intervening while the gold is weighed. Livy also supposes that the election of Camillus is made in concert with the Senate in the Capitol. Festus, in Væ victis, p. 372, tells the story in a similar manner, but states that Appius Claudius, and not Sulpicius, is the Roman to whom the words are addressed. It is added that Brennus, being afterwards pursued by Camillus, fell into an ambush, and complained of a breach of the treaty, when Camillus retorted upon him with the words, *Væ victis*. This is a contrivance for cancelling the humiliation to the Romans. The annotator to the French translation of Pliny, solicitous about the good faith of his ancestors, in the fourth century before Christ, suggests that the weights were Gallic weights, unknown to the Romans. 'Les faux poids, apportés par les Gaulois, étaient *sans doute* des poids en usage de l'autre côté des Alpes, *et un peu plus forts que ceux des Romains*;' tom. xix. p. 122 (ed. 1833).

L. Lentulus, one of the legates with the army in the Caudine Pass, in 321 B.C., is represented by Livy as saying that he had often heard his father mention that, when the Romans were enclosed in the Capitol, he alone resisted the payment of a ransom to the Gauls, and advised an attempt to break through the enemy, as being possible though dangerous, inasmuch as they had made no lines of circumvallation; ix. 4. If L. Lentulus, the father, was twenty-five years old in 390 B.C., and lived to the age of seventy, he would have been born in 415 B.C., and would have died in 335 B.C. This is quite consistent with Livy's account.

remains of the Gallic host are exterminated to a man.(125) The account of Plutarch agrees closely with that of Livy.(126) Virgil likewise speaks of Camillus as having won back the Roman standards from the Gauls.(127)

Diodorus represents these events quite differently. Camillus does not appear in his narrative until the Gauls have left Rome, when he is described as having been appointed dictator, in order to command against the Volscians. The Romans, after the failure of the attack on the Capitol repulsed by Manlius, negotiate with the Gauls, and induce them, on receiving 1000 pounds of gold, to leave the town, and evacuate the Roman territory. Camillus is now made dictator, and he gains great victories over the Volscians, Æquians, and Etruscans, who are seeking to take advantage of the weakness of Rome: he likewise attacks the

(125) Ibi cædes omnia obtinuit; castra capiuntur, et ne nuncius quidem cladis relictus; Livy, v. 49. A similar account is given by Victor, de Vir. Ill. 23: Qui [Camillus] absens dictator dictus collectis reliquiis Gallos improvisos internecione occidit. The passage of Festus cited in the previous note, likewise supposes that Camillus was able, by some stratagem, to cut off Brennus and his army upon their retreat.

According to Livy, ix. 11, Pontius, the Samnite general, said to the Romans, in 320 B.C.: 'Auro civitatem a Gallis redemistis, inter accipiendum aurum cæsi sunt.' Again, in 296 B.C., the Samnites, imploring aid of the Etruscans against the Romans, remind them of the proximity of the Gauls: 'Habere accolas Gallos, inter ferrum et arma natos, feroces quum suopte ingenio, tum adversus Romanum populum; quem captum a se auroque redemtum, haud vana jactantes, memorent;' x. 16. The latter passage of Livy, in the context in which it occurs, cannot be considered as inconsistent with his own account of the recovery of the gold by Camillus. The Roman prisoners taken at Cannæ likewise say to the Senate: Majores quoque accepimus se a Gallis auro redemisse; Livy, xxii. 59.

(126) Plut. Cam. 29.

(127) Referentem signa Camillum; Æn. vi. 826. Servius, in his note on this passage (repeated by Myth. Lat. i. 221, ed. Bode), says of Camillus: 'Gallos jam abeuntes secutus est, quibus interemptis aurum omne recepit et signa. Quod cum illic appendisset, civitati nomen dedit. Nam Pisaurum dicitur, quod illic aurum pensatum est. Post hoc tamen factum rediit in exilium, unde rogatus reversus est.' This passage contains an etymological legend, probably of late date, explanatory of the name Pisaurum, which town (on the coast of the Adriatic in Umbria) is here assumed to be the place where Camillus weighed out the gold, after he had recovered it from the Gauls. See Niebuhr, vol. ii. p. 616 Compare also Eutropius, i. 20. Postea tamen, accepto etiam auro, ne Capitolium obsiderent, recesserunt; sed secutus eos Camillus ita cecidit, ut et aurum quod his datum fuerat, et omnia quæ ceperant militaria signa revocaret. Appian, Hist. Rom. iv. 1, says that Camillus defeated the Gauls and drove them out of Rome. Procopius likewise derives a place called *Busta Gallorum*, in the Umbrian territory, from a battle between Camillus and the Gauls; de Bell. Goth. iv. 29.

Gauls, who are ravaging a town friendly to the Romans, slays the chief part of their army, and recovers not only the 1000 pounds of gold, but the plunder of Rome. Notwithstanding these great achievements, he was prevented by the tribunes from obtaining a triumph. Some however say that he was allowed a triumph for his victory over the Etruscans; that he triumphed in a chariot drawn by four white horses: and that he was in consequence sentenced by the people to a heavy fine two years afterwards.(128)

These accounts agree in representing the Gauls as consenting to evacuate Rome upon the payment of a large quantity of gold, and as either being frustrated in the receipt of it, or as carrying it away, but as being defeated by Camillus on their retreat, and deprived of all their plunder. Polybius, on the other hand, describes them as recalled from Rome by an irruption of the Veneti into Cisalpine Gaul; as making a treaty with the Romans, and abandoning the city; and as returning to their own country; after which they were occupied at home with intestine wars.(129) In a subsequent passage, it is stated that the Gauls not only defeated the Romans, but after the battle obtained possession of Rome; seized all the property in it, and were masters of it for seven months; till at last, having voluntarily given up the city, and out of mere grace to the Romans, they returned unhurt, with all their plunder, to their own country.(130) Elsewhere, he says that after the Gauls had taken Rome, except

(128) xiv. 117. Diodorus promises to return to the subject of the condemnation of Camillus at the proper time; but he never fulfils his promise. He likewise states that the Gauls who went to Iapygia returned through the Roman territory, and after a short time were surprised at night by the Cærites, and cut to pieces in the Trausian plain. The town friendly to the Romans mentioned by Diodorus, is written Οὐεάσκιον. For this, Niebuhr reads Οὐολσίνιον, vol. ii. n. 1225. According to the context, it ought to be a town not far from Sutrium.

(129) ii. 18. Plutarch expressly refers to this passage in his Treatise de Fort. Rom. c. 12, and considers the domestic invasion which withdrew the Gauls from Rome as a proof of the fortune of the Romans. Polyb. i. 6, describes the Romans as γενόμενοι πάλιν ἀνελπίστως τῆς πατρίδος ἐγκρατεῖς after the abandonment of the city by the Gauls: which words seem to imply that their withdrawal was owing to some lucky accident.

(130) ii. 22. The word ὠφελεία is used by Polybius in the special sense of plunder or booty taken in war; see Schweighæuser, Lex Polyb. in v., and x. 16.

the Capitol, the Romans made a treaty with them on the terms which the Gauls thought fit to dictate, and thus again became unexpectedly masters of their own country.(131) The language of Polybius implies that the Gauls were able to impose upon the Romans such conditions as they pleased, but that they went away suddenly, of their own accord; and that they carried off their plunder, though nothing is said specifically of a price or ransom paid for their departure.

Pliny, illustrating the scarcity of gold at Rome in early times, remarks that when peace was purchased from the Gauls, after the capture of the city, the Romans could only procure 1000 pounds of gold. 'I am not indeed ignorant (he proceeds to say) that M. Crassus, in the second consulship of himself and Pompey (55 B.C.), carried away 2000 pounds of gold from the throne of the Capitoline Jupiter, where it had been concealed by Camillus; and that most persons hence suppose that this amount was given to the Gauls. But the additional quantity beyond 1000 pounds had been in fact taken by the Gauls from the temples of the city, so far as it was in their possession.'(132) Pliny therefore supposes that the Romans paid 1000 pounds of gold to the Gauls; that the Gauls had plundered 1000 pounds of gold from the temples outside the Capitol; that this entire quantity of gold was recaptured by Camillus; and that it was afterwards dedicated by him in the temple of the Capitoline Jupiter. The same passage proves that 2000 pounds of gold were actually taken from this temple by Crassus, and that it was currently believed to have been the deposit of Camillus.

According to another version, the recovery of the gold from the Gauls was accomplished by the Cærites, who attacked them

(131) i. 6. This passage is cited by Strabo, vi. 4, § 2.

(132) H. N. xxxiii. 5. A fragment of Varro, vol. i. p. 243, ed. Bipont, refers to the 2000 lbs. of gold. Compare Niebuhr, vol. ii. p. 553. The original dedication of this gold is described by Livy in the following words: 'Aurum, quod Gallis ereptum erat, quodque ex aliis templis inter trepidationem in Jovis cellam collatum, quum, in quæ referri oporteret, confusa memoria esset, sacrum omne judicatum, et sub Jovis cellâ poni jussum;' v. 50. This explanation is intended to account for the entire quantity of gold recaptured being deposited in the temple of Jupiter.

in their departure from Rome in the Sabine country: besides which they afforded an asylum to many fugitives from Rome, and preserved the sacred fire and the Vestal virgins. To these services Strabo, who gives this account, traces the origin of the Cærite franchise.(133)

Other divergent statements occur concerning this important passage in the history of Rome. Suetonius mentions a report that the first Livius Drusus, (whose time is unfixed,) when he was proprætor, brought back from his province of Gaul the gold which had been given to the Senones Gauls in the siege of the Capitol, and which had not been, according to the common story, recovered by Camillus.(134) Justin represents the Ætolians in one place, and Mithridates in another place, as alluding to the disgraceful redemption of Rome from the Gauls :(135) these rhetorical passages, however, placed in the mouths of hostile speakers, do not necessarily imply Justin's disbelief of the subsequent recovery of the gold by Camillus. Frontinus, a Latin writer of the first century, after having told the anecdote of the Romans throwing bread at the Gauls, adds, that, having thus acquired the appearance of plenty, they were enabled to endure the siege until they were relieved by Camillus.(136) This version of the

(133) Strabo, v. 2, § 3 ; Livy, v. 40, says that the Vestal virgins went to Cære, and in c. 50, he describes a public *hospitium* being established with Cære, because they had received the sacred objects and priests of Rome. The account of the destruction of the Gauls on their return from Iapygia by the Cærites, in Diod. xiv. 117, seems to be another version of the story in Strabo. In 353 B.C., thirty-seven years after the capture of Rome, war was declared against the Cærites, for plundering the Roman territory. The Cærites then appealed to the asylum which they had given to the priests, the Vestal virgins, and sacred objects, during the Gallic war. The claim was allowed, peace was granted to them, and a truce made for 100 years; Livy, vii. 20; Dio Cass. fragm. 33, however, says that they were at the same time mulcted of half their territory.

(134) Drusus hostium duce Drauso cominus trucidato sibi posterisque suis cognomen invenit. Traditur etiam proprætore ex provinciâ Galliâ retulisse aurum, Senonibus olim in obsidione Capitolii datum, nec, ut fama est, extortum a Camillo; Suet. Nero, c. 3.

(135) Justin, xxviii. 2, xxxviii. 4. See above, n. 125.

(136) Frontin. iii. 15, § 1. A similar account is contained in the fragment of a Greek writer (probably a collector of military anecdotes,) quoted by Suidas in *ὑπερμαζᾷ*. *οἱ δὲ Γαλάται καταπλαγέντες, ὡς ὑπερμαζώντων αὐτόχρημα τῶν Ῥωμαίων, καὶ διὰ τὴν τρυφὴν ῥιπτούντων τοὺς ἄρτους, ἐσπείσαντο.* The word *ὑπερμαζῶ* is cited from Lucian and Alciphron. It also occurs in Dio Cass. lvii. 22.

story excludes the negotiation with Brennus, and the payment of a ransom. The same writer appears to represent the battle by which Camillus expelled the Gauls from Rome, as indecisive; for he says that the Senate provided them with boats for crossing the Tiber, and likewise supplied them with provisions for their march.(137) Memnon, a Greek writer, posterior to Julius Cæsar, says that the city of Rome would have been taken by the Gauls, if Camillus had not come to its assistance, and saved it.(138)

An entirely different account is given by Polyænus, a Greek writer of the second century, who has left, like Frontinus, a miscellaneous collection of military anecdotes. He says that, when the Gauls had taken Rome, they made a treaty with the Romans, by which the latter were bound to pay a tribute, to keep a gate always open, and to cede a portion of arable land: that when this treaty had been made, the Gauls encamped themselves; and the Romans, treating them as friends, sent them presents, among which was much wine; that the Gauls, who were addicted to wine, became helpless from intoxication, and that, the Romans, falling upon them in this state, cut them to pieces. He adds, that the Romans, in order that they might comply with the letter of the treaty, kept an open gate upon an inaccessible rock.(139) The Pandana Porta, which is referred to in the latter part of this passage, had other legendary explanations. Thus it was fabled to be the gate through which Tarpeia had betrayed the Capitol:(140) Dionysius moreover says that Herdonius penetrated into the Capitol through this gate,(141) so that he supposed it to be in existence many years before the Gallic invasion.

The period during which the Gauls remained in occupation

(137) Gallos, eo prælio quod Camilli ductu gestum est, desiderantes navigia quibus Tiberim transirent, Senatus censuit transvehendos, et commeatibus quoque prosequendos. Ejusdem generis hominibus postea per Pomptinum agrum fugientibus via data est, quæ Gallica appellatur; ii. 6, § 1.

(138) c. 25. Fragm. Hist. Gr. vol. iii. p. 538.

(139) viii. 25, § 1.

(140) Above, vol. i. p. 425; vol. ii. p. 174, n. 22.

(141) Dion. Hal. x. 14.

of Rome is stated by Polybius at seven months.(142) According to Plutarch, these seven months extended from about the middle of July to the middle of February.(143) Other accounts limit it to six,(144) or extend it to eight months.(145)

As soon as Camillus returns to Rome, after the destruction of the Gauls, he is described as directing his first attention to the religious duties of repairing temples, performing expiations, and celebrating games, now incumbent on the state. A temple was likewise built to Aius Locutius, in memory of the divine voice which had warned Cædicius of the coming of the Gauls, but which the Senate had ventured to neglect.(146) It is moreover chiefly by an appeal to religious motives, that Camillus restrains the wish of the people to remove to Veii, and to abandon the ruins of Rome. The words of a centurion, who halted his men in the Comitium, and said that it was the best place for them to abide in, were accepted as an omen, and contributed to confirm the decision.(147) The rebuilding of Rome now began: the inhabitants were allowed to take stone and timber where they chose, and tiles were given at the public expense. No plan was

(142) ii. 22. The same period is stated by Zonaras, vii. 23.

(143) He says that they entered Rome a few days after the ides of Quintilis (July), and were expelled about the ides of February; Cam. 30. The ides of July are the 15th. The 18th of July was the anniversary of the battle of the Allia. The ides of February are the 13th.

(144) Florus, i. 13; Orosius, ii. 19; Varro de Vit. Pop. Rom. lib. ii. ap. Non. ix. 6. Ut noster exercitus ita sit fugatus, ut Galli Romæ Capitolii sint potiti, neque inde ante sex menses cesserint. With this exception, the writers are unanimous in stating that the Capitol never was taken by the Gauls. Either therefore the word *Capitolii* ought to be expunged in this passage, or some words have fallen out. In the Bipont edition of Varro, vol. i. p. 243, this passage is printed 'ut Galli Romæ, nisi Capitolii, sint potiti.' This use of *nisi*, though unusual, is not incorrect.

(145) Serv. Æn. viii. 652. See above, p. 331, n. 110.

(146) Eodem anno M. Cædicius de plebe nunciavit tribunis, se in novâ viâ, ubi nunc sacellum est, supra ædem Vestæ, vocem noctis silentio audisse clariorem humanâ, quæ magistratibus dici juberet, Gallos adventare; Livy, v. 32, cf. 30; Plut. Cam. 14, 30; De Fort. Rom. 5; Zon. vii. 23. According to Cicero, De Div. i. 45, ii. 32, the voice warned the Romans to repair their gates and walls, lest the city should be taken by the Gauls. Varro, ap. Gell. xvi. 17, says that the altar of Aius was erected, 'quod in eo loco divinitus vox edita erat.'

(147) Niebuhr thinks that this omen had 'no doubt been prudently preconcerted;' ib. p. 577. He therefore assumes that the story is true.

laid down for the course of the streets: the houses rose up as individual convenience dictated; hence it happened that the ancient sewers often passed under private houses; and that the arrangement of the town was deficient in regularity.(148) The share which Camillus bore in the rebuilding of Rome gave him the title of the second founder of the city, and another Romulus.(149)

§ 83 It now remains for us to consider the results of our examination of the extant accounts respecting the capture of Rome by the Gauls. As to the time of their arrival in Italy, there are three statements—one, which makes them cross the Alps, and settle in Cisalpine Gaul, during the reign of Tarquinius Priscus; for which, as was shown in a previous chapter, there is no satisfactory attestation:(150) another, which supposes them to have occupied the region of the Po some years before their irruption into Etruria and Latium: and the third, which represents them as crossing the Alps in order to attack Clusium. The second account is that given by Polybius; and it is that which is preferable on grounds of internal probability. The story of the Clusine, who, from motives of private jealousy, entices the

(148) Livy, v. 50-5; Plut. Cam. 31, 32; Diod. xiv. 116; Zon. vii. 23; Val. Max. i. 5, § 1. Livy says: Tegula publice præbita est; c. 55. Diodorus, δημοσίας κεραμίδας ἐχορήγουν, αἱ μέχρι τοῦ νῦν πολιτικαὶ καλοῦνται. Tacitus, Ann. xv. 43, says that after the Neronian conflagration, 'urbis quæ domui supererant, non ut post Gallica incendia, nullâ distinctione, nec passim erecta, sed dimensis vicorum ordinibus et latis viarum spatiis.' Livy speaks of the haste with which the rebuilding was carried on; and says that it was 'completed within a year; vi. 4. Plutarch and Zonaras also make the same statement. Dr. Arnold, vol. ii. p. 6, calls attention to the statement of Cornelius Nepos, in Plin. N. H. xvi. 15, that Rome was roofed with wooden shingles (scandula) down to the time of Pyrrhus. *Tegula* can hardly be understood to mean anything but a tile of baked clay. (The word *ziegel* is by an oversight rendered *bricks*, instead of *tiles*, by the translators of Niebuhr, vol. ii. p. 579.)

(149) Plut. Cam. 1, 31. Dignus habitus quem secundum a Romulo conditorem urbis Romanæ ferrent; Livy, vii. 1.

(150) Above, ch. xi. § 24. Niebuhr allegorizes the account of Livy. 'The two great migrations under Bellovesus and Sigovesus, which are mentioned by Livy, must (he says) be regarded as true, although the leaders are perhaps nothing but personifications;' Lect. vol. i. p. 257. Dr. Arnold adopts a different course: 'The geographical part of this account (he says) appears to deserve our full belief; but it does not follow that its chronology is equally trustworthy;' vol. i. p. 517.

Gauls across the Alps by a present of wine, has a fabulous air;(151) whereas the statement of Polybius, that when the Etruscans occupied the country near the Po, the Gauls, being their neighbours, visited it occasionally, and envied them the possession of it; until at last, on some slight pretext, they descended upon it with a large army, and ejected the Etruscans, is in itself probable.(152) This account, however, differs from the version of the Gallic advance upon Rome, which seems to have been commonly received among the Roman historians; and as we are wholly ignorant of the grounds upon which it is given by Polybius, we must be content to remain in uncertainty on the subject.

The desertion of Clusium by the other Etruscan cities, and the Clusine embassy to Rome, are points not clearly explained. All the Etruscan states had a common interest in repelling this barbarous invader; Clusium is seventy geographical miles from Rome in a direct line; and the reason assigned for the application—namely, that Clusium had not assisted Veii against Rome—is not of great force. The violation of the law of nations by Fabius the ambassador was an act more likely to strike the Romans, than to offend the Gauls, who were little better than savages,(153) and probably had scarcely any notion of a law of

(151) Niebuhr says: 'Whether this account is true, must remain undecided; and if there is any truth in it, it is more probable that the offended Clusine went across the Apennines, and fetched his avengers;' Lect. vol. i. p. 260. This supposition renders the present of wine inappropriate; the country between the Apennines and the Alps was a wine-bearing region.

(152) Polyb. ii. 17. The account given by Justin of the immigration into Italy of the Gauls who took Rome, agrees with that of Polybius: 'His autem Gallis causa in Italiam veniendi, sedesque novas quærendi, intestina discordia et assiduæ domi dissensiones fuere; quarum tædio, cum in Italiam venissent, sedibus Tuscos expulerunt, et Mediolanum, Comum, Brixiam, Veronam, Bergomum, Tridentum, Vicentiam condiderunt;' xx. 5. After the Gauls had occupied the north of Italy, they were themselves exposed to attacks from Transalpine Gauls, similar to those which they are stated to have made upon the Etruscans in that region; Polyb. ii. 18.

(153) See the account of their social state and habits in Polyb. ii. 17. Niebuhr, Lect. vol. i. p. 261, points out the improbability of supposing the Gauls to be offended by a violation of the law of nations: and he adds that no such violation had in fact taken place, for the Romans stood in no kind of connexion with the Gauls. The latter remark is, to a certain degree, well founded, if we adopt the version of Diodorus, who says that the ambassadors were sent to the Clusines, in order to watch the movements

nations. We may discern in the Roman narrative several traces of a scheme of divine justice, founded on the theory of nemesis, such as is often visible in the history of Herodotus. Thus the Romans are supposed to be punished for the violation of international law committed by their ambassadors: and it is particularly mentioned by Livy, that the persons whose rashness had provoked the war commanded at the battle of Allia. Another view was, that the destruction of Rome by the Gauls was a visitation from the gods for the unjust sentence upon Camillus.(154)

The detailed account of Livy and Plutarch supposes the Gauls to have crossed the Tiber at some distance above its confluence with the Anio, and to have advanced upon Rome on its eastern or left side. There is no stream which falls into the Tiber at the exact place indicated for the Allia, and it has been impossible to identify it with any existing river. All the writers on Roman topography, however, agree in looking for it on the left bank of the Tiber.(155) Diodorus, indeed, gives a detailed description of the battle, but places it on the right bank of the Tiber, and makes no mention of the Allia: he supposes the Romans to swim the Tiber in order to escape to Rome. Niebuhr attempts to combine the two accounts, by supposing the Romans first to cross and afterwards to recross the Tiber; so that the battle is fought on the left bank.(156) The two accounts however are plainly

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of the Gauls; xiv. 113. Even in this case, ambassadors, clothed with a public function, were not, according to the rules recognised by civilized nations, justified in taking part in hostilities against a nation with which their country was at peace. But Livy, v. 35, represents the ambassadors as sent to the Gauls themselves—'qui senatus populique Romani nomine agerent cum Gallis'—and they were clearly not justified in taking arms against the nation with whom they were commissioned to treat.

(154) Livy considers it as certain that if Camillus had not been in exile, the battle of Allia and its disastrous consequences would have been prevented. 'Expulso cive, quo manente, si quicquam humanorum certi est, capi Roma non potuerat; adventante *fatali* urbi *clade*, legati, &c.;' v. 33.

(155) See Gell's Topography of Rome, p. 43; Nibby, Dintorni di Roma, vol. i. p. 125; Bunbury, art. Allia, in Dr. Smith's Dict. of Anc. Geogr.; Abeken, Mittelitalien, p. 79.

(156) Niebuhr says: 'Our narrative [i. e. the narrative of Diodorus], the correctness of which even in its minute details will not admit of a doubt, relates that the Roman army crossed the Tiber, and marched along its bank to the Alia;' Hist. vol. ii. p. 537. There is however nothing in

independent of one another, and proceed on inconsistent assumptions. We must make our election between them, and one or the other must be rejected. They cannot be both saved by forming a compound of the two.

The abandonment of Rome, and the defence of nothing more than the Capitol, are events consistent with the entire rout of the Allia, a few miles from the gates of the city. Some interval was however allowed: the Capitol was put in a state of defence; a large part of the population was able to escape; and the irruption of the victorious Gauls was not instantaneous. Under these circumstances, the story of the aged senators (said to be eighty in number) who devote themselves to destruction, without any strong motive such as that which animated the two Decii in the Samnite wars, is not probable.(157) Plutarch says that they sat in a body in the forum; but Livy describes them as remaining in their own houses. If this was their position, it is not easy to understand how the act of Papirius should have led to the immediate slaughter of all the other senators.

The entire town, with the exception of the Capitol, is stated to have been destroyed by fire, and as the houses at that time were doubtless in great part constructed of wood, this may not have been a slow operation. Unless, however, the Gauls expected to be able to carry the Capitol by storm in a few days, their measure was suicidal. Plutarch says that they burnt and demolished the town, out of anger with the defenders of the Capitol:(158) this explanation supposes them to be actuated by a blind fury, which perhaps is not unsuited to barbarians. Moscow was probably set on fire by the Russians; but even if (as the Russians themselves affirm) the conflagration was the result of accident, the French used their utmost exertions to

Diodorus about the Allia, or any other river besides the Tiber; and if his narrative is correct in its minute details, we must suppose that the battle was fought on the right side of the Tiber. In his Lectures, vol. i. p. 264, Niebuhr says that the battle of the Allia is, 'speaking generally, an historical event.'

(157) It is however credited by Niebuhr, Hist. ib. p. 543; Lect. ib. p. 266.

(158) Cam. 22.

extinguish the flames, and they succeeded in saving a sufficient part of the town for the shelter of their army. The evacuation of Moscow by the French was not the consequence of the fire. But the Gauls are themselves said to have burnt and destroyed the town which they had conquered, and which they continued to occupy for seven months—from July to February.(159) It is difficult to understand how they could have collected food from the neighbouring country, sufficient for their maintenance during so long a time; and it is natural that they should be described as suffering severely from pestilence and famine.(160)

The Roman writers appear to regard Camillus as the saviour of his country at this emergency: but it is not very easy to understand the part which he plays. Dionysius supposes him to be appointed dictator of the Romans in Veii, without authority from the garrison in the Capitol, and even without their knowledge: as he immediately attacks the Gauls by surprise, and defeats them.(161) In his account of the punishment of the guards after the night attack of the Capitol, he speaks of both Senate and people, and he therefore supposes the constitution to be complete in the Capitol.(162) Livy however conceives the Senate as being in the Capitol, and the people as being at Veii; and hence the circuitous method of recalling Camillus from exile, and of appointing him dictator, which he describes as having been employed. If however the Senate and the consular tribunes were in the Capitol, he could be legally appointed dictator without a message to Veii. The variations as to the message of Cominius are wide: the purpose of his visit is differently described, and one account even represents him as going from Rome to Veii.

(159) Livy, after describing the unsuccessful assault of the Gauls upon the Capitol, proceeds thus: 'Omissâ itaque spe per vim atque arma subeundi, obsidionem parant: cujus ad id tempus immemores, *et quod in urbe fuerat frumentum incendiis urbis absumserant*, et ex agris per ipsos dies raptum omne Veios erat. Igitur, exercitu diviso, partim per finitimos populos prædari placuit, partim obsideri arcem; ut obsidentibus frumentum populatores agrorum præberent;' v. 43. This coincides with the hypothetical account given by Thucydides of the manner in which the Greeks carried on the siege of Troy; i. 11.

(160) Livy, v. 48; Plut. Cam. 28.

(161) xiii. 8. (162) Ib. 12.

The famous story of the warning given by the geese on the Capitol, and the timely courage of Manlius, was fully recognised by the belief of later times. It is introduced by Virgil in the description of the shield of Æneas:(163) and it had been celebrated by Ennius in his Annals.(164)

Two customs mentioned by Pliny as subsisting in his time prove that the state still commemorated its gratitude to the bird which had alarmed the garrison by its cries. One of these was the practice of the censors, who gave out the tender for the supply of food for the public geese before any other tender. The other was a custom of annually impaling dogs upon an elder tree, between the temples of Juventas and Summanus, as a punishment for their silence on the same occasion.(165) It is also mentioned, that on the same anniversary, geese, dressed with gold and purple ornaments, were carried about on a litter, as a memorial of their service to the state.(166)

The account of the movements of Camillus is so vague, that we do not know how soon after the capture of the city he is

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(163) Æn. viii. 652-62. Niebuhr, Hist. vol. ii. n. 1169, cites the words *aurea cæsaries* from this passage as meaning that the Gauls had yellow hair. The verse, however, Aurea cæsaries ollis, atque aurea vestis—clearly means that their hair and their clothes were embossed in gold upon the shield. So in v. 655, the porches of the Capitol are worked in gold, and the sea in v. 671.

(164) Anseris et tutum voce fuisse Jovem.—Prop. iv. 3, 12.

(165) Anseribus cibaria publice locantur, Cic. pro Rosc. Amer. 20. Et anseri vigil cura, Capitolio testata defenso, per id tempus canum silentio proditis rebus. Quam ob causam cibaria anserum censores in primis locant; Plin. H. N. x. 26. De anserum honore, quem meruere Gallorum in Capitolium ascensu deprehenso, diximus. Eâdem de causâ supplicia annua canes pendunt inter ædem Juventatis et Summani, vivi in furcâ sambucâ arbore fixi; xxix. 14. This merit of the goose is celebrated by Lucretius; iv. 687:

Romulidarum arcis servator, candidus anser.

Compare Ovid, Met. ii. 538; Martial, xiii. 74; Columella, viii. 13, says of the goose: 'Clangore prodit insidiantem, sicut etiam memoria tradidit in obsidione Capitolii, cum adventu Gallorum vociferatus est, canibus silentibus.'

(166) 'Quâ causâ postea eo die quo hoc factum est, canes qui tunc dormientes non senserant, cruci sufligebantur; anseres auro et purpurâ exornati in lecticis gestabantur;' Serv. Æn. viii. 652. Plutarch says that the custom was still observed in his time of carrying round in procession a crucified dog, and a goose sitting on a splendidly decorated litter, as a memorial of the preservation of the Capitol; De Fort. Rom. 12.

supposed to be made dictator, or what difficulties he meets with in collecting an army. But whatever may be the time of his appointment, he brings no relief to the garrison, which is forced by hunger to capitulate, and to purchase its own safety, and the departure of the Gauls, with 1000 pounds of gold. Even, therefore, if Camillus had not come to the rescue, the Capitol would have remained inviolate, and the Gauls would have evacuated the Roman territory. The only effect of his interference is to take vengeance upon the Gauls, and to recover the gold. But although his intervention would have been more effectual and important, if it had come before the garrison had been reduced by hunger, and had capitulated to the enemy; yet it is, as related to us, in the highest degree theatrical. Just at the moment when the gold is weighed out, when Brennus has cast his sword into the scale, and has exclaimed, 'Woe to the vanquished!'(167) Camillus, at the head of his legions, marches upon the stage. 'Take away that gold (he exclaims), let the Gauls withdraw, and prepare for battle. I am the dictator; no inferior magistrate can make a treaty without my consent; let our soldiers get their arms ready: a Roman must defend his country with steel, not with gold.' Without further delay a battle takes place, in which the Gauls are utterly routed: a second battle soon follows, in which they are again defeated, and every man in their army is cut off. Not a Gaul survives to carry the news of their defeat to the seats of his tribe on the banks of the Po. This narrative, as it is given in Livy, resembles a scene in a melodrame, or a story in Ariosto, rather than an event in real history. It is inconceivable that the circumstances should have occurred as he relates them. The variety of versions, however, respecting the gold paid to the Gauls is so great, as to render the external

(167) Dr. Arnold remarks that the saying 'Væ Victis!' may be best represented by the English proverb that 'The weakest must go to the wall;' vol. i. p. 547. This English proverb does not however fully represent the Latin saying. The words 'Væ victis,' mean not only that the weakest must give way to the strongest, but that a conquered nation must submit to any terms, however severe or unjust, which its conqueror may think fit to impose.

testimony to the story of Livy as weak as its improbability is great. Thus Polybius does not expressly mention any ransom: while Dionysius represents Camillus as attacking the Gauls on their march, without being present at the weighing out of the gold.(168) Pliny supposes the gold paid voluntarily by the Romans to Brennus, and that plundered by them from the temples to have been recovered by Camillus in battle, and dedicated by him in the temple of Capitoline Jupiter.(169) Diodorus describes it as having been recovered by Camillus in a battle fought in Etruria. Other accounts suppose the gold to have been delivered to the Gauls and carried away by them, but to have been recovered by Livius Drusus, or by the Cærites. An entirely different account of the conditions imposed upon the Romans by the Gauls, when they evacuated the Roman territory, is given by Polyænus.

Diodorus, in his narrative of the capture of Rome by the Gauls (which is unusually copious, in comparison with his other notices of Roman history at this period), makes no mention of Camillus, until the Gauls have left the city with their ransom. He is then appointed dictator, and he defeats the Volscians and the Etruscans, and takes the Etruscan town of Sutrium; after which he defeats the Gauls, and recovers the gold. He then triumphs for his victory over the Etruscans with four white horses, and two years afterwards is fined by the people. This account confounds together events which the received narrative places in a wholly different order. The triumph with the four white horses, and the fine of Camillus, belong to the siege of Veii; and are antecedent to the arrival of the Gauls: while the victories of Camillus over the Volscians and Etruscans, and the capture of Sutrium, are subsequent to the defeat of the Gauls by Camillus, and belong to a different campaign.(170) This confusion and translocation of events,

(168) xiii. 8.

(169) The passage of Servius cited above, p. 334, n. 127, supposes the gold to have been recovered by Camillus near Pisaurum, on the coast of the Adriatic.

(170) The campaign of Camillus against the Volscians, in Diodorus, is

renders the entire narrative of Diodorus suspicious; though it is free from several of the improbable circumstances which occur in the relation of Livy. The remark of Diodorus, that the people, having previously been in all things obedient to the Senate, began for the first time to overrule their decisions at the time of the Gallic invasion,(171) is moreover wholly repugnant to all that we hear of the earlier Roman history.

'In the life of Camillus (says Dr. Arnold), there meet two kinds of fiction, equally remote from historical truth, but in all other respects most opposite to one another; the one imaginative, but honest, playing, it is true, with the facts of history, and converting them into a wholly different form, but addressing itself also to a different part of the mind; not professing to impart exact knowledge, but to delight, to quicken, and to raise the perception of what is beautiful and noble; the other, tame and fraudulent, deliberately corrupting truth in order to minister to national or individual vanity, pretending to describe actual events, but substituting in the place of reality the representations of interested or servile falsehood. To the former of these classes belongs the legend of the fall of Veii; to the latter, the interpolation of the pretended victory of Camillus over the Gauls.'(172) The same view of the supposed victory of Camillus had been previously taken by Beaufort, who represents Livy as desirous of concealing the disgraceful ransom of Rome, and as admitting a manifest fiction into his history, taken from some fabulous writer, without adequate examination of its evidence. Perhaps, he adds, it was mentioned only in the memoirs of the Furian family, which, like other family memoirs, were full of falsehoods.(173) Beaufort and Dr. Arnold agree in thinking that the true version of this famous event has been preserved by Polybius, who says that the Gauls returned unhurt, with all

identified with that in Livy and Plutarch, by the place, which in Diodorus is τὸ καλούμενον Μάρκιον, xiv. 117, while Livy, vi. 2 calls it *ad Mœcium* or *Mecium*, and Plutarch, Cam. 33, τὸ Μάρκιον ὄρος.

(171) xiv. 113.

(172) Hist. of Rome, vol. i. p. 393.

(173) Dissertation, p. 284.

their spoil, to their own country, having imposed upon the Romans such conditions as they thought fit to dictate: they likewise reject the account of the defeat of the Gauls by Camillus, and of the recovery of the plunder and ransom, as a figment of national and family vanity.

A similar view is taken by Niebuhr.(174) It cannot be disputed that, if we judge merely from grounds of internal probability, the account of Polybius, which is less romantic than the common story, and less flattering to the national vanity of the Romans, is the more entitled to belief. But we are in entire ignorance as to the source of his information. The lifetime of Polybius extended from about 204 to 122 B.C.;(175) and he may be supposed to have composed his history about 150 B.C. This date is two hundred and forty years after the capture of Rome by the Gauls; and is therefore beyond the reach of faithful oral tradition. We know that Rome had not at that time any native historians, and the expeditions of the Gauls in Italy did not enter into Grecian history. How far this event was noticed by Hieronymus or Timæus, who, according to Dionysius, touched cursorily upon the early Roman history, we have no means of ascertaining. We cannot therefore trace the account of Polybius, even conjecturally, to any trustworthy source. The version of Livy may savour of national vanity, but the defeat of the Gauls by Camillus is reported by Dionysius and Diodorus, Greek historians, not less than by the Roman writers;(176) and we may

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(174) Hist. vol. ii. p. 550-2; Lect. vol. i. p. 270.

(175) See Clinton, ad ann. 181, 129; Beaufort, Diss. p. 286, considers the authority of Polybius decisive on this point, remarking that he wrote his history about a century and a half after the taking of Rome. He mistakes the age of Polybius by nearly a century. See above, vol. i. p. 32. Speaking of the campaigns against the Gauls, soon after the capture of Rome, Niebuhr says: 'The unconditional confidence which is due to Polybius in the times near his own, cannot be extended to so early a period, respecting which he could only seek for information in the annals;' Hist. vol. iii. p. 76.

(176) Dr. Arnold remarks that 'it is through the Greek writers only that we can learn the real issue of the Gaulish invasion;' vol. i. p. 391. By 'the Greek writers,' Polybius alone seems to be meant. Dionysius and Diodorus both describe the Gauls as defeated by Camillus on their

reasonably assume that this story was related by native historians anterior to Polybius. The account mentioned by Suetonius, which transfers the glory of recapturing the gold from Camillus to a certain Livius Drusus, whose lifetime is unfixed, and of whom nothing is known—a supposed ancestor of the great family which gave a wife to Augustus and four emperors to Rome—is certainly not more worthy of credit than the received story recounted by Livy.

The capture of Rome by the Gauls—a strange and formidable race of barbarians—is the first event in Roman history which, so far as we know, attracted the notice of the contemporary Greeks. Plutarch says that an indistinct rumour of this great calamity soon reached Greece, and Heraclides of Pontus, in a philosophical dissertation, spoke of a report from the far west, which described an Hellenic city called Rome, situated somewhere near the great sea, as having been taken by an army from the distant land of the Hyperboreans. Heraclides was a disciple of Plato, and is said to have been left in charge of his school during his visits to Sicily; the first of which was in the year after the capture of Rome. Aristotle, who was born in 384 B.C., and who may be presumed to have collected the materials for his constitutions of Greek and barbarous states about 340 B.C., had obtained more accurate information on the subject. He stated that Rome was taken by the Celts, but he attributed the merit of saving it to a certain Lucius; whereas, says Plutarch, the name of Camillus was Marcus, not Lucius.(177)

way homewards. The uncertainty of the received accounts as to the assistance rendered by Camillus during the Gallic occupation of Rome is pointed out by Dr. Arnold, vol. ii. p. 3.

(177) Cam. 22. Aristotle died in 322 B.C. Speaking of the year in which Manlius was executed, Gellius says:- 'Eoque ipso anno, qui erat post recuperatam urbem septimus, Aristotelem philosophum natum esse, memoriæ mandatum est;' xvii. 21, § 25. The execution of Manlius, according to Livy, falls in the seventh year after the capture of the city—that is, if 390 B.C. is taken as the date of that event, in 384 B.C. This agrees exactly with the statement of the Greek writers, who place the birth of Aristotle in Olymp. 99.1. See Stahr's Aristotelia, vol. i. p. 29. Clinton, ad ann. Gellius, ib. § 20, makes the capture of Veii nearly contemporary with the death of Socrates; which again agrees with our chronology: for the death of Socrates was in 399 B.C., and the capture of Veii is placed in 396 B.C.

Theopompus the historian, who was born about 378 B.C., and whose history of Philip ended with the year 336 B.C., mentioned the fact that Rome had been taken by the Gauls: the event could only have been introduced by him incidentally.(178) Another notice, which was probably derived from some of the Greek historians of the period, is that Dionysius the elder, when engaged in his wars in Sicily and Southern Italy, received a friendly embassy from a party of the Gauls, who a few months before had burnt Rome. He is stated to have accepted their offers of assistance, and to have taken them into his service.(179) With respect to native reminiscences of this event, the anniversary of the battle, the *dies Alliensis*, the 18th of July, which was marked in the calendar as an unlucky day, may be considered as having been faithfully preserved, by uninterrupted national observance, as a memorial of the capture of the city.(180)

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(178) Theopompus, ante quem nemo mentionem habuit, urbem duntaxat a Gallis captam dixit; Pliny, N. H. iii. 9. Pliny probably was not aware of the passages of Heraclides and Aristotle, cited by Plutarch. Compare Fragm. Hist. Gr. vol. i. p. 303, Didot.

(179) Justin, xx. 5. Celts and Iberians in the service of Dionysius are mentioned by Xen. Hell. vii. 1, § 20. Compare Grote, Hist. of Gr. vol. xi. p. 35.

(180) Livy says of this day, 'insignem rei nulli publice privatimque agendæ fecerunt;' vi. 1. Virgil mentions the ill-omened name of Allia: Quosque secans infaustum interluit Allia nomen; Æn. vii. 717. Lucan alludes to the antiquity of the observance:

Cedant feralia nomina Cannæ,
Et damnata *diu* Romanis Allia fastis.—vii. 408-9.

'Dies Alliensis ab Alliâ fluvio dictus; nam ibi exercitu nostro fugato Galli obsederunt Romam;' Varro de L. L. vi. 32. Exercitum Romanum apud Alliam fluvium ceciderunt, die xvi. Kalendas Augusti; qui dies inter nefastos relatus, Alliensis dictus; Victor de Vir. Ill. 23. Compare Lachmann de Die Alliensi, p. 21. The sanctions connected with this day were strict, and were religiously observed. Tacitus and Suetonius speak of the Emperor Vitellius as a man devoid of all respect for human and divine law, for having performed some acts connected with his chief Pontificate on the dies Alliensis; Hist. ii. 91, Vit. 11. Cicero describes the observance of the *dies Alliensis* as having been instituted by his ancestors. 'Majores nostri funestiorem diem esse voluerunt esse Alliensis pugnæ quam urbis captæ; quod hoc malum ex illo; itaque alter religiosus etiam nunc dies, alter in vulgus ignotus;' Ep. Att. ix. 5. Alliensis dies dicebatur apud Romanos obscœnissimi ominis, ab Alliâ fluvio scilicet, ubi Romanus fusus a Gallis exercitus est; Festus, p. 7. Dies religiosi quibus, nisi quod necesse est, nefas habetur facere; quales sunt sex et triginta atri qui appellantur, et Alliensis, et ii quibus mundus patet. Id. in

A similar remark applies to the national honour paid to the goose. It must moreover be admitted that if Crassus, in 65 B.C., found 2000 pounds of gold, under the statue of the Capitoline Jupiter, in the place where tradition affirmed it to have been deposited by Camillus, this fact affords a confirmation of his recovery, in some manner, of the ransom or plunder from the Gauls.

Everything which concerns the Gallic gold is however in a state of confusion and obscurity. Livy first states that this gold had been collected from various temples: but he adds, that when the quantity in the public treasury was insufficient, the matrons contributed their golden ornaments, in order that the sacred gold might not be violated:(181) whereas a few lines before he had stated that the gold was taken from the temples. He afterwards mentions that the Etruscan prisoners sold after the war of 389 B.C. produced so much money, that the matrons were repaid for their gold, and that with the surplus three golden pateræ were made, which, before the burning of the Capitol in 83 B.C., were to be seen in the cell of Jupiter, at the feet of the statue of Juno, inscribed with the name of Camillus.(182) A few years later, however, Manlius is represented as complaining that the Gallic gold was concealed, or embezzled, by the patricians. 'It seemed a monstrous wrong (says Livy) that the gold which had been raised by a general property-tax for the Gallic ransom, should now, when it had been re-taken from the enemy, be plundered by a few persons.'(183) In the former passage, nothing was said of a general tax; and it is equally difficult to understand how the Romans enclosed in the Capitol could, after the burning of the city and the dispersion of the population, have either obtained golden ornaments from the matrons or levied a

religiosus, p. 278. The reason for the religious observance of the three days on which the *mundus* remained open, is explained by Festus in mundus, p. 154. He there says: 'Itaque per eos dies non cum hoste manus conserebant, non exercitus scribebatur, non comitia habebantur, non aliud quicquam in republicâ nisi quod ultima necessitas admonebat, administrabatur.' Compare above, vol. i. p. 102.

(181) v. 50. The contribution of the matrons on this occasion is likewise mentioned by Diod. xiv. 117.

(182) vi. 4. (183) vi. 14.

general tax upon the citizens. There is likewise another story connected with this gold; namely, that a portion of it was contributed by the Massilians, who received the intelligence of the burning of Rome by the Gauls from some ambassadors who heard of the event on their way home from Delphi.(184) We must however suppose the negotiation about the gold to have been long pending, in order that this assistance should have been possible. If we adopt the account of Polybius as historical, the Capitol was saved by the bravery of its defenders, and the Gauls, after several months' occupation of Rome, voluntarily returned home, where they arrived safely, carrying with them all their booty. This version of the transaction leaves no room for any important action of Camillus, and in this respect it differs not only from the traditional account of the Romans, who, for his services on this occasion, called him their second Romulus, but also from the report of Aristotle, who, writing about half a century after the event, attributed the salvation of Rome from the Gauls to a certain *Lucius*. Plutarch assumes as manifest that the great Camillus, whose prænomen was Marcus, is the person alluded to by Aristotle. Niebuhr however thinks that Lucius Camillus, who is said to have defeated the Gauls, in the Pomptine territory, in 349 B.C., is the person intended.(185) This

(184) Partâ pace, et securitate fundatâ, revertentes a Delphis Massiliensium legati, quo missi munera Apollini tulerant, audierunt urbem Romanam a Gallis captam incensamque. Quam rem domi nunciatam publico funere Massilienses prosecuti sunt; aurumque et argentum publicum privatumque contulerunt, ad explendum pondus Gallis, a quibus redemtam pacem cognoverant. Ob quod meritum et immunitas illis decreta, et locus spectaculorum in senatû datus, et fœdus æquo jure percussum; Justin, xliii. 5.

(185) Hist. vol. iii. p. 80. Compare Livy, vii. 26. It is the battle to which the single combat of Valerius Corvus with the Gaul is referred. It may be observed that this battle is not recognised by Polybius, in his historical sketch of the Gallic irruptions into Italy. See below, p. 406. L. Camillus, the son of M. Camillus, first appears in the Fasti as dictator in 350 B.C., forty years after the burning of the city, and fifteen years after his father's death. He is however mentioned by Plut. Cam. 35, as serving under his father the year after the capture of the city. The victory of L. Camillus, to which Niebuhr supposes Aristotle to allude, took place in 319 B.C., forty-one years after the capture of the city, when Aristotle had reached the age of thirty-five; whereas the capture of the city was six years before his birth. It seems highly improbable that he

supposition is in the highest degree improbable. Unless we assume the entire history of Rome at this period to be a fiction, it is impossible to bring L. Camillus into relation with the capture of the city by the Gauls, or to suppose that if the fame of any Roman reached Greece, as the saviour of his country on this occasion, it could be any other than the great Camillus.(186)

The contemporary accounts of the capture of Rome by the Gauls, confirmed by authentic traditions, place this event upon a solid historical basis; but it is difficult to judge how far the circumstantial narrative is deserving of belief. Dr. Arnold reduces the credible portion to the mere skeleton of the history. 'It is (he says) impossible to rely on any of the details of the narrative which has been handed down to us; the Romans were, no doubt, defeated at the Allia; Rome was taken and burnt, and the Capitol ransomed; but beyond this we know, properly speaking, nothing. We know that falsehood has been busy, to an almost unprecedented extent, with the common story;

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or his informants should have confounded two events (compare above, vol. i. p. 60) separated by so wide an interval. Dr. Arnold, vol. ii. p. 58, who adopts the hypothesis of Niebuhr, assumes that the third Gallic expedition, in which the Romans are victorious, mentioned by Polyb. ii. 18, is identical with that in which L. Camillus is described by Livy as commanding, and remarks that 'Aristotle's statement [interpreted of L. Camillus] agrees completely with Polybius.' But Aristotle, as we see from the words of Plutarch, clearly understood the preservation of Rome to refer to its preservation when the city was taken, not at some subsequent period. It cannot therefore be said with truth that Aristotle and Polybius agree in representing L. Camillus as the saviour of Rome. Polybius never even mentions him. It is by no means certain, as Dr. Arnold assumes, that the third expedition described by Polybius, agrees with the battle of L. Camillus, described by Livy. See below, ch. xiii. § 13, where a different view is adopted.

(186) 'Greatly as the actions of Camillus have been magnified by fiction, the belief of posterity that he was the first man of his age, and one whom Rome herself saw few to equal, cannot possibly have been grounded on a delusion;' Niebuhr, Hist. vol. ii. p. 504. Camillus is re-appointed dictator in the year after the capture of the city. 'Placuit (says Livy) eisdem auspiciis defendi rempublicam, *quibus recuperata esset*, dictatoremque dici M. Furium Camillum;' vi. 2. This expression agrees closely with that of Aristotle: *τὸν δὲ σώσαντα Λεύκιον εἶναι φησίν*. Dr. Arnold likewise, who adopts Niebuhr's hypothesis as to the person intended by Aristotle, remarks that 'there is no reason to doubt that Camillus, by his genius in this memorable year, did truly save his country from destruction;' vol. ii. p. 12. See p. 86.

exaggeration, carelessness, and honest ignorance have joined more excusably in corrupting it. The history of great events can only be preserved by cotemporary historians; and such were in this case utterly wanting.'(187) If indeed, Camillus, like Cæsar, had written memoirs of his own campaigns; or if, like Scipio Africanus the younger, he had been accompanied by a Polybius, who could have described the exploits which he witnessed, we should not have been left in this uncertainty. That the Gauls took and burnt Rome, but that the Capitol held out against them, are facts which we may consider as sure; but the share, if any, which Camillus bore in the liberation of his country, the fact next in importance to these, remains an enigma. It seems probable that while many of the great outlines of the history have been effaced by oblivion, some of the minute details—such as the alarm given by the geese, the removal of the Vestal virgins in the wagon of Albinius, and the sacrifice of Fabius(188)—may have been faithfully preserved by tradition, or by the pontifical scribes.

Several sacred legends and origins are connected with this passage of history. One explanation of the Doliola referred it to this period—the temple of Aius Locutius commemorated the divine voice which gave warning of the approach of the Gauls: the altars of Jupiter Pistor and Jupiter Soter were memorials of the privations endured by the garrison on the Capitol: the Busta Gallica was the burial place of the Gauls: the lituus of Romulus was found unhurt in the ashes of the *Casa Romuli* after the conflagration.(189) There was an annual ceremony,

(187) Hist. of Rome, vol. i. p. 531. Compare p. 548. Dr. Arnold's remark upon the absence of contemporary historians must be confined to native writers. The memory of the event, though not its history, was preserved by contemporary Greek writers.

(188) Niebuhr considers this tradition not improbable; Lect. vol. i. p. 269.

(189) Plut. Cam. 32; Rom. 22; Dion. Hal. xiv. 5; Cic. de Div. i. 17; Val. Max. i. 8, § 11. Dionysius and Plutarch say that the *lituus* had been preserved in the καλιὰ Ἄρεως, which seems to be the same as the Casa Romuli: Cicero and Valerius Maximus name the Curia Saliorum. Both these buildings were on the Palatine. See Becker, vol. i. p. 401, 418, 421. Niebuhr justly remarks: 'For the sake of the miracle, they

commemorating the good service of the geese, and the culpable neglect of the dogs; and the origin of the saying, 'Væ victis!' was traced to the Gaulish king, notwithstanding the manifest absurdity of supposing him to speak Latin.

With respect to the date of the burning of Rome by the Gauls, there is a tolerably close agreement between the various authorities. Polybius places it in the same year as the peace of Antalcidas, 387 B.C.(190) Dionysius declares that nearly all writers concurred in assigning it to Olymp. 98.1, the archonship of Pyrgion, which is 388 B.C., the previous year.(191) Pliny and Eutropius state that it fell in the three hundred and sixty-fourth, Livy in the three hundred and sixty-fifth year of the city, which are equivalent to 390 and 389 B.C.(192)

There was, according to Dionysius, a series of censorial records extant in his time, containing the names of the chief magistrates; from which it appeared that there was an interval of one hundred and twenty years between the expulsion of the kings and the burning of the city.(193) But the discrepancies and uncertainties in the statement of the names of the magistrates for certain years during this period forbid the supposition that a complete and authentic list had been preserved.

§ 84 Some physical occurrences are referred to this period, which require notice, because they bear an appearance of contemporary registration. The winter of the year 400 B.C. was, according to Livy, cold and snowy: so that the roads were

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were ready to allow that the hut had been burnt down, though at other times that which was shown standing was maintained to be the genuine one;' Hist. vol. ii. p. 580. Julius Obsequens, c. 78 (19) states that in a conflagration of the year 148 B.C., the *regia*, the house of the King of the Sacrifices, was burnt—but that the chapel containing the sacred objects and one laurel, out of two, remained unhurt in the midst of the flames. The story of the olive-tree on the Acropolis of Athens is somewhat different; for it was burnt by the Persians, but shot up immediately afterwards; Herod. viii. 55; Paus. i. 27, § 2; Dion. Hal. xiv. 4. The one is a case of miraculous preservation, the other of miraculous growth.

(190) Polyb. i. 6.

(191) i. 74. Niebuhr thinks that this date was taken from Timæus; vol. ii. p. 557.

(192) Plin. H. N. xxxiii. 6; Eutrop. ii. 1; Livy, v. 54.

(193) Ubi sup. Compare, ch. v. § 13.

made impassable, and the navigation of the Tiber was stopped.(194) The severity of this winter is however described with fuller details, and in much stronger terms, by Dionysius. Where the snow was least thick (he says), it was not less than seven feet deep: some men, and many sheep, cattle, and horses perished, either from the intense cold, or from want of food. The fruit-trees were destroyed, or rendered barren by the frost. Many houses were buried in the snow; and some were overthrown, owing to the effects of the thaw. No similar account of so severe a winter at Rome, or in the countries of the same climate, was known to Dionysius either before or since this year.(195) Snow now falls occasionally at Rome: but it scarcely ever lies on the ground. The Tiber is said to have been frozen in the winter of 1709. The most recent scientific researches however show that, if the climate of Italy was colder in antiquity than in modern times, the difference is not considerable;(196) and on the whole it is more probable that the details given by Dionysius were written down after the time from exaggerated rumours, than that they should have been recorded from accurate personal observation. The following summer was marked with a pestilence, both on men and animals. The Sibylline books were consulted, by command of the Senate, and the religious ceremony of lectisternium is said to have been first resorted to on this occasion. It is stated, on the authority of Calpurnius Piso, that a general

(194) Insignis annus hieme gelidâ ac nivosâ fuit, adeo ut viæ clausæ, Tiberis innavigabilis fuerit; v. 13.

(195) xii. 8. *τοῦτο τὸ πάθος οὔτε πρότερόν ποτε γενόμενον ἐν ἱστορίας γραφῇ περὶ ταῦτα τὰ χωρία παρειλήφαμεν, οὔθ' ὕστερον ἕως τοῦ καθ' ἡμᾶς χρόνου.*

(196) See Rothman's Observations on the Climate of Italy and other Countries in Ancient Times (Lond. 1818), p. 10. Compare Niebuhr, Hist. vol. ii. p. 506; Arnold, vol. i. p. 510. Niebuhr alludes to another severe winter in 270 B.C., the year before the consulship of Gallus and C. Fabius, mentioned by Zonaras, viii. 6, when the Tiber was frozen to a great depth, the trees were destroyed by the cold, and the animals died for want of grass. Augustine, Civ. Dei, iii. 17, also mentions a winter of extraordinary severity, when the snow lay to a great depth for forty days in the forum, and the Tiber was frozen. He does not however fix its time, and the circumstances are probably exaggerated. The prodigy of the wolves

hospitality and benevolence—similar to the institution of the Saturnalia—accompanied this sacred solemnity.(197) The description of the lectisternium and its attendant rites is peculiar, and may be authentic; it is however open to the suspicion which attaches to most of the accounts of origins in the Roman religion.

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which entered Rome in 277 B.C., and left a mangled corpse in the forum, cited in Orosius, iv. 4, has nothing to do with the severe winter, to which Niebuhr refers it; Hist. vol. iii. p. 560.

(197) See Livy, v. 13, and Dion. Hal. xii. 9 and 10. The fragment of Piso is omitted by Krause. The third lectisternium was in 364 B.C.; Livy, vii. 2. He does not mention the second.

Chapter XIII.

HISTORY OF ROME, FROM THE REBUILDING OF THE CITY TO THE LANDING OF PYRRHUS IN ITALY.

(391—281 B.C.)

Part I.—From the rebuilding of the city to the beginning of the Samnite wars.

(391—343 B.C.)

§ 1 WE have in the preceding chapter followed the course of Roman history from the expulsion of the kings to the burning of the city by the Gauls, and have examined the evidences by which it is supported. Although this interval comprises a period of 120 years, we have not found that any sensible advance has been made to a more authentic and credible narrative of events. There is no perceptible improvement in the external attestation; we may indeed conjecture that the occurrences in the latter part of this period were preserved with greater accuracy and fulness, than the occurrences in the earlier part, because the later time was separated by a shorter interval from the age when historians began to write down oral traditions, and to compile a connected relation of facts; and also because the art of writing was probably more used in the sixty years which followed the decemvirate than in the sixty years which preceded that epoch: but we have no positive information on the subject. With respect to the bare fact that Rome was taken by the Gauls, there is for the first time in Roman history the testimony of contemporary Greek writers. In the internal character of the history, again, little progress is discernible during the hundred and twenty years in question. The accounts of the siege of Veii and of the Gaulish invasion exhibit the same general aspect as the accounts of the events in the earlier years of the Republic; such, for example, as the war with Porsena, and the story of Coriolanus. There is the same

minuteness of detail, the same vivid colouring, the same animated descriptions, and the same precise recitals of the words and thoughts of the principal actors; accompanied with vagueness, uncertainty, indefiniteness, obscurity, incoherence, and inconsistency in the general course of the narrative, and in the combined effect of the separate parts.

For the period anterior to the age of contemporary historians, we must suppose that the history of Rome was mainly derived from official annals, and from oral traditions. Now the annalistic style is marked by brevity and dryness; but it is clear and intelligible. The records of an annalist may be jejune; but they are composed with the perspicuity of a scribe who knows the truth, who seeks only to embody in language the substance of the fact, and who discards all accessories, all ornament, and all conjecture. The Hellenics of Xenophon, and many of the medieval chronicles, afford examples of this form of historical composition. On the other hand, the legendary style is marked by copiousness and confusion: narratives derived from oral traditions abound in striking incidents, in interesting situations, in lively portraitures; but they are deficient in internal connexion. If we compare the received accounts of Roman events during the period from the Tarquins to Camillus, with the characteristics of these two styles of history, we shall not doubt whether the annalistic or the legendary style predominates in them.

§ 2 We now enter upon a period which several ancient writers (as we have shown in a former chapter) (1) concur in describing as marked by an improvement in the external attestation of events. 'Before the capture of the city (says Livy) the use of writing was rare; and even such records as existed in the registers of the pontifices, and in other public and private archives, were for the most part destroyed in the conflagration. But the history of Rome after its second birth, both civil and military, will henceforth be related with greater clearness and certainty.'(2) That the official and documentary

(1) Above, ch. v. § 10. (2) vi. 1. See above, vol. i. p. 152, n. 71.

foundation for the historical narrative, from this date onwards, is wider and more solid, we may take as a fact certified to us on satisfactory evidence; though we do not know what were the fuller records, commencing at this time, to which Livy refers. But whatever these records may have been, their character must have been fragmentary, and at the most annalistic; they were detached notices and morsels of evidence, but not a continuous narrative: they were not the work of a historian, and they did not of themselves form a history of the period. We may have reached a time when there is a substratum of notation: but we have not yet reached the time when there is an authentic narrative of events.(3) We have indeed descended to a period when, as Livy assures us, more records of passing events were made, and these records were better preserved, than in the antecedent period; we may also suppose that the oral traditions, having passed through a smaller number of reporters, were preserved with greater fidelity; but we have not yet arrived at the time when there was a continuous authentic history, compiled from the information of original witnesses. Nevertheless, the change is sufficient to justify us in presuming that the history for the period from the capture of the city to the campaign against Pyrrhus, compared with the period from the expulsion of the kings to the capture of the city, contains a greater proportion of fact, and a smaller proportion of fiction.

(3) Dr. Arnold accordingly remarks that 'no period of Roman history since the first institution of the tribunes of the commons is really more obscure than the thirty years immediately following the retreat of the Gauls. And the reason of this is, that when there are no independent cotemporary historians, the mere existence of public documents affords no security for the preservation of a real knowledge of men and actions. The documents may exist indeed, but they give no evidence; they are neglected or corrupted at pleasure by poets and panegyrists; and a fictitious story gains firm possession of the public mind, because there is no one to take the pains of promulgating the truth;' Hist. of Rome, vol. ii. p. 2. Compare Beaufort, p. 307: 'Nous voyons aussi, que l'obscurité repandue sur les premiers siècles de l'histoire romaine, malgré la promesse que Tite-Live nous fait au commencement de son sixième livre, s'étend encore plus d'un siècle au delà de la prise de Rome. La disette d'historiens, où les Romains furent jusqu'au temps de la seconde guerre punique, fait que ce n'est proprement qu'avec le sixième siècle qu'elle commence à avoir quelque certitude.'

At the commencement of this period of a hundred and ten years, Rome, having been brought to the ground by the Gallic irruption, takes a new departure, and enters upon a second career.(4) Her territory, even with the addition of the Veientine district, is still of very narrow dimensions; and it is during this period that the advance is made, which formed the basis of her power, and enabled her afterwards to subjugate all Italy, and finally to become the mistress of the entire civilized world. Livy believes that if Alexander the Great, about 325 B.C., had turned his arms against Rome, he would have found in her a successful opponent; and in 280 B.C., Pyrrhus certainly considered her as a firstrate military power.(5) The period of this progress is, as is natural, chiefly occupied with military history: the neighbouring nations, whose wars recur so often during the previous period—the Sabines, Æquians, and Volscians—are speedily reduced; the Gauls too are repressed; but a dangerous revolt of the Latins, long the faithful allies of Rome, occurs. The Latin war, and the long wars against the Samnites, occupy the largest space during the next hundred and ten years.(6) It is in the interval between the establishment of the consular government and the capture of the city that the most noted events of early Roman history occur: the death of Lucretia, and the expulsion of Tarquin, the war with Porsena, the institution of a dictator, the battle of Lake Regillus, the first secession of the plebs, and the creation of tribunes, the story of Coriolanus, the disaster of the Cremera, the dominion of the decemvirs, and the death of Virginia, the siege of Veii, the irruption of the Gauls. During the following period of a hundred and ten years, the chief

(4) See Polyb. i. 6. *Λαβόντες οἷον ἀρχὴν τῆς συναυξήσεως.* Ab secundâ origine, velut ab stirpibus lætius feraciusque renatæ urbis; Livy, vi. 1.

(5) See above, vol. i. p. 66-7.

(6) The Samnite wars begin forty-seven years after the taking of the city, and last fifty-three years; so that their conclusion is exactly 100 years after that epoch. (290 B.C.) The Punic wars begin in 264 B.C., twenty-six years after the termination of the Samnite wars; the defensive war against Pyrrhus during the seven years from 281 to 274 B.C. being interposed.

event in constitutional history is the passing of the Licinian laws, by which the appointment of one plebeian consul is secured. In the military history, the most celebrated occurrences are the Caudine disaster, and the devotion of the two Decii. A detailed narrative of the history of this period, down to the year 293 B.C., is preserved in Livy: but we have scanty means of checking and confronting it with other accounts. A few fragments of the latter books of Dionysius, a portion of Plutarch's Life of Camillus, with a few notices in Polybius and Diodorus, and the meagre abridgments of Florus, Eutropius, and Aurelius Victor, furnish our only means of comparison. The same materials therefore do not exist for investigating the historical evidences of this period, as those which exist for the preceding period, and a more general survey of it must suffice; but enough can be ascertained for characterizing its annals, and distinguishing it from a period described by contemporary historians.

§ 3 While the Gauls are encamped upon the site of Rome, the enemies of the Romans are represented as remaining quiet; but as soon as the Gauls have departed, the Volscians and Æquians appear in the field, and even the Latins revolt. Camillus is appointed dictator, and a campaign ensues, of which, according to Plutarch, there were two accounts, one historical, the other fabulous.(7) The historical account represents Camillus to have attacked the Latins in their camp, and to have effected an entrance by setting the palisade on fire. Livy's account is similar, only he substitutes the Volscians for the Latins.(8) Diodorus speaks of a victory having been gained over the Volscians, and he agrees with Plutarch and Livy as to the place where the battle was fought.(9) The fabulous story is

(7) *περὶ τούτου τοῦ πολέμου διττοὶ λόγοι λέγονται*, Cam. 33. These double accounts are probably borrowed from Dionysius. Compare Dion. Hal. ix. 18, concerning the disaster of the Cremera: *περὶ δὲ τῆς κατασχούσης τοὺς ἄνδρας συμφορᾶς διττὸς φέρεται ὁ λόγος.*

(8) vi. 2.

(9) xiv. 117. The place of this battle, according to Plutarch, is *τὸ Μάρκιον ὄρος*, Cam. 33, 34. Livy calls it *ad Mecium*, and states that it was near Lanuvium. Diodorus says it was *τὸ καλούμενον Μάρκιον*

that the Latin army, encamped near the city, sent to demand some unmarried free women, for wives. At the suggestion of a certain Tutula, or Philotis, the Roman magistrates sent herself, and other female slaves, selected for their comeliness, and suitably adorned, to the Latin camp. During the night, the women, acting the part of Dalilahs, withdrew the daggers from the couches of their future husbands; Tutula mounted a wild fig-tree, and held up a lighted torch, as a signal, to the Romans; who hurried out of the city, came upon the Latins while they were sleeping and unarmed, and put most of them to death. This occurrence was commemorated by a festival called *Populifugia*, still celebrated on the nones of July in the time of Plutarch. A crowd of persons went out of one of the city gates, after nightfall, calling out the common proper names—such as Caius, Marcus, Lucius—in imitation of the confusion of the night expedition. Female slaves, gaily attired, jested at the passers-by; and also engaged in a mock fight; after which they had a banquet, under the shade of fig-branches. The festival was called *Nonæ Caprotinæ*, from the wild fig-tree, on which Tutula had mounted. That this festival legend was as little historical as other legends of the same kind, and that its connexion with the time of the Gallic invasion is imaginary, may be inferred from its fluctuating nature; for another version refers it to the death of Romulus; and explains the hurried nocturnal exit from the obscuration of the sun and the popular consternation at his death, and the name Nonæ Caprotinæ from the place of its occurrence (Capræ palus) (10), while a

(10) Plut. Rom. 29; Cam. 33-4; Varro de L. L. vi. § 18; Macrob. Sat. i. 11, § 36—40. Compare Schwegler, vol. i. p. 532; Niebuhr, Hist. vol. ii. p. 573; Arnold, vol. ii. p. 10; above, vol. i. p. 430. Varro mentions the towns of Ficulea, Fidenæ, and other neighbouring places as having rebelled, but not the Latins. Macrobius speaks of Postumius Livius the dictator of the Fidenates. Plutarch (Rom. 29) calls Livius Postumius the Latin general. Macrobius says that the Roman female slaves put the men to sleep with wine. Tutula holding up the beacon-light from the tree, may be compared with Helen in Virgil:—

'Flammam media ipsa tenebat
Ingentem, et summâ Danaos ex arce vocabat.'—Æn. vi. 518.

third origin was found in some defeat of the Romans by the Tuscans.(11)

The origin of another religious ceremony which consisted in throwing thirty figures of men, made of rushes, from the Sublician bridge into the Tiber, was also derived from this period. After the retreat of the Gauls, it was said, food was so scarce at Rome that the men of sixty years of age were thrown into the Tiber. The most generally received explanation of this singular custom seems however to have been, that it was instituted by Hercules as a substitute for human sacrifices. Another explanation supposed that the saying 'Sexagenarios de Ponte' alluded to the bridge which was crossed by those who were about to deliver their suffrages, and that the true meaning of it was, that men of sixty ought not to be allowed to vote.(12)

Some military successes are now achieved, and particularly a great victory of Camillus over the Volscians. The latter gives occasion to Livy to remark that his readers will probably wonder at the perpetual renewal of the Volscian and Æquian armies, as he has wondered at the same phenomenon, in perusing the writings of the historians nearer to the time.(13) Livy does not imply by this passage, that the historians of the Volscian and Æquian wars lived soon after their occurrence: he speaks comparatively, and says that his own readers will wonder at his account, as he wondered at the accounts of his predecessors, such as Fabius and Cincius, or even subsequent chroniclers.

§ 4 The next event is the treasonable attempt imputed to Manlius, the saviour of the Capitol.(14) According to Livy, he

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(11) Piso ap. Macrob. Sat. iii. 2, § 14.

(12) Festus, p. 331; Dion. Hal. i. 38; Varro de L. L. vii. § 44; and fragm. vol. i. p. 243, Bipont; Ovid, Fast. v. 621—62; Plut. Quæst. Rom. 32; Macrob. Sat. i. 7, § 31, 11, § 47.

(13) Non dubito, præter satietatem, tot jam libris assidua bella cum Volscis gesta legentibus illud quoque succursurum, (quod mihi percensenti propiores temporibus harum rerum auctores miraculo fuit,) unde toties victis Volscis et Æquis suffecerint milites; vi. 12.

(14) Plut. Cam. 36, Zon. vii. 24, and Victor de Vir. Ill. 24, state that Manlius was called Capitolinus from being the saviour of the Capitol. But the family name Capitolinus previously existed in the Manlian gens;

was instigated by jealousy of Camillus, and of the honours successively conferred on this commander, to entertain treasonable designs. The offences charged against him were, that he sought popularity by paying the debts of insolvents; that he falsely accused the patricians of embezzling the Gallic gold; that he held meetings of the plebeians at his house; and that he used seditious language on these occasions.(15) Cornelius Cossus, the dictator, sends him to prison, but the people are about to liberate him by force, when he is released by the Senate.(16) Afterwards, the Senate enjoin the magistrates to provide for the security of the state against the dangerous designs of Manlius: the military tribunes consult with the tribunes of the plebs, and the latter agree to give him notice of trial, upon the charge of an endeavour to obtain regal power. When the trial came on before the comitia centuriata in the Campus Martius, Manlius produced as witnesses nearly 400 persons, whom he had saved from the extreme consequences of insolvency. He likewise commemorated his military honours, and brought forward persons whose lives he had saved in battle. Finally, he pointed to the Capitol, which adjoined the Campus Martius, and reminded the people of its defence by his aid at the critical moment of its danger. This appeal was so successful, that the people were about to vote his acquittal, when the tribunes adjourned the decision.(17) A second assembly was subsequently held, in a place from which the Capitol could not be seen,(18) and the people reluctantly voted his condemnation. Some writers however stated that he was condemned, not by

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see Livy, iv. 42. Capitolinus was also a family name in the Quinctian gens. Spanheim thinks it was derived from the rites of Capitoline Jupiter; Niebuhr, from the residence of the Manlii on the Capitol.

(15) Livy supposes Manlius to have exhorted the people to overthrow the government and to arrest its operations: 'Solo æquandæ sunt dictaturæ consulatusque, ut caput attollere Romana plebes possit. Proinde adeste, prohibete jus de pecuniis dici;' vi. 18.

(16) Victor, de Vir. Ill. 24, says, 'populi consensu liberatus est.'

(17) Dion. Hal. xiv. 6, states that he was actually acquitted.

(18) Alschefski adopts the conjectural reading Numentanam; but it is rejected by Becker, vol. i. p. 156, on the ground that this gate did not exist before the wall of Aurelian; see p. 199.

the people, but by two criminal judges, specially appointed for the occasion. He was thrown by the tribunes down the Tarpeian rock: his house on the Capitol was razed, and the temple of Juno Moneta was built on its site: it was ordained that no patrician should in future occupy a house on the Capitol; and the Manlian gens made a regulation that none of their name should thenceforth be called *Marcus*.(19)

An entirely different version of the treason of Manlius is given by Zonaras, which he appears to have transcribed from Dio Cassius. According to his account, Manlius, at the head of a large multitude, seized the Capitol. The magistrates and Senate were in consternation, and Camillus was appointed dictator; when a slave undertook to betray Manlius into their hands. A body of armed men were secretly stationed under the rock; the slave, on pretence of speaking to Manlius, led him to the edge of the precipice, and pushed him down it, so that he fell into the ambush, and was taken prisoner. He was speedily brought to trial; but Manlius pointed to the Capitol, and his judges were induced to postpone the decision, neither acquitting nor condemning him. Camillus then transferred the trial to another place, from which the Capitol could not be seen, and

(19) Livy, vi. 14—20; Plut. Cam. 36; Dio Cass. fragm. xxvi. 1-3; Ovid, Fast. vi. 183—90; Victor de Vir. Ill. 24. Appian, H. R. ii. 9, describes the popular measures of Manlius, and attributes to him the proposal of a general remission of debts, or a sale of the undivided public land for paying the debts of the plebs. Respecting the temple of Juno Moneta, see Becker, vol. i. p. 392. The decree of the Manlian gens, respecting the use of the name Marcus, is also mentioned by Cic. Philipp. i. 13; Q. Festus M. Manlium, p. 125; and Manliæ, p. 151. The Claudian gens repudiated the use of the prænomen *Lucius*, on account of two of its members, one of whom was convicted of robbery and the other of murder; Suet. Tib. i. The Antonian gens likewise repudiated the prænomen *Marcus*, in consequence of the celebrated Marcus Antonius; Dio Cass. li. 19. Herodes Atticus, in Gell. ix. 2, says: 'Antiquos Romanorum audio prænomina patriciorum quorundam malè de republicâ meritorum, et ob eam causam capite damnatorum, censuisse ne cui ejusdem gentis patricio inderentur: ut vocabula quoque eorum defamata atque demortua cum ipsis viderentur.' Varro agreed with Livy and others, in stating that Manlius was thrown down the Tarpeian rock. Cornelius Nepos, however, stated that he was scourged to death; Gell. xvii. 21, § 24. Criminals were executed by throwing them from the Capitol, under Tiberius and Claudius; Dio Cass. lvii. 22, lx. 18.

here Manlius was condemned.(20) This version of the facts must have been unknown to Livy; for he distinctly says that no historian mentions any other charge than those enumerated above; and they contain no overt act of treason, such as the seizure of the Capitol. Livy indeed thinks that the charges were serious, for that the plebs were restrained from voting his conviction, not by the want of proof, but by the place of the trial. He, and the other ancient writers, consider him guilty of an attempt to obtain the supreme power by popular arts, and to make himself king.(21) The people are described as satisfied of his guilt, and as only restrained from convicting him by the sight of the sacred citadel which he had saved.(22) Afterwards, when the trial is

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(20) Zon. vii. 24. The fragment of Dio Cassius, xxvi. 2, mentions his seizing the Capitol, his being betrayed by a slave, and being taken like a slave. Compare Niebuhr, Hist. vol. ii. p. 613; Arnold, vol. ii. p. 29, 662.

(21) Livy speaks of the 'regni crimen,' and 'cupiditas regni;' vi. 19, 20. Dio Cass. xxvi. 2, says that *κατέλαβε τὸ Καπιτώλιον ἐπὶ τυραννίδι*; Festus, p. 125. M. Manlium patriciæ familiæ neminem vocari licuit, post eum Manlium, qui Gallos a Capitolio depulit, quod is regnum occupare conatus [damnatus?] necatusque est; p. 151. Manliæ gentis patriciæ decreto nemo ex eâ appellatur, quod M. Manlius, qui Capitolium a Gallis defenderat, cum regnum affectasset, damnatus necatusque est. Ovid, Fast. vi. 189-90.

Vixit, ut occideret damnatus crimine regni:
Hunc illi titulum longa senecta dabat.

Plutarch, Cam. 36, *ὑπόθεσιν τυραννίδος ἐποίησατο κοινὴν καὶ συνήθη, δημαγωγῶν τοὺς πολλούς*. Zon. vii. 24, *φθονῶν τῷ Καμίλλῳ μᾶλλον τῶν ἄλλων τυραννίδι ἐπέθετο*, Diod. xv. 35, *ἐν τῇ Ῥώμῃ Μάρκος Μανίλιος ἐπιβαλόμενος τυραννίδι καὶ κρατηθεὶς ἀνῃρέθη*, which implies that he was put down by force. Dion. Hal. xiv. 6, describes Manlius on his trial as *κινδυνεύων διὰ τυραννίδος ἐπίθεσιν ἀπολέσθαι*. After relating the execution of Manlius, Livy adds: 'Hunc exitum habuit vir, *nisi in liberâ civitate natus esset*, memorabilis; vi. 20. The offence of Manlius is described as that of aiming at supreme power, in Dio Cass. xlv. 32. Itaque et Sp. Cassius et M. Manlius et Sp. Mælius regnum occupare voluisse dicti sunt; Cic. de Rep. ii. 27. Ideone L. Tarquinius exactus, Sp. Cassius, Mælius, M. Manlius, necati, ut multis post seculis a M. Antonio, quod fas non est, rex Romæ constitueretur? Philipp. ii. 34. Sp. Cassius et Mælius, M. Manlius, propter suspicionem regni appetendi sunt necati; ib. 44. M. Manlius, cum ab ascensu Capitolii Gallorum impetum repulisset, non fuit contentus beneficii sui gloriâ: regnum appetisse est judicatus; ergo ejus domum eversam duobus lucis convestitam videtis; Pro Dom. 38. Capitolium summamque rem in eo solus a Gallis servaverat, si non regno suo servasset; Plin. N. H. vii. 29. Convictus est consilium de regno occupando inisse; Gell. xvii. 21, § 24.

(22) Quum dies venit, quæ, præter cœtus multitudinis, seditiosasque voces, et largitionem et fallax indicium, pertinentia proprie ad regni crimen

adjourned to a place from which the Capitol cannot be seen, the same popular court vote his condemnation. This fact, if it be a fact, must be admitted to afford a remarkable exemplification of the proverb, 'Out of sight, out of mind.' It supposes the Roman people to be so dependent on the immediate impressions upon their senses, that they remember the act of Manlius when it is suggested by the view of the Capitol, but forget it when the Capitol is not in sight. The conduct of the tribunes in impeaching Manlius, notwithstanding his popular tendencies; in adjourning the trial, when they saw that the people were about to acquit him; and in afterwards throwing him down the Tarpeian rock, shows that the plebeian leaders were believed to be satisfied of his guilt.(23) Livy however adds, that when a pestilence occurred shortly after his death, the people, forgetful of his dangerous designs, and remembering only his great qualities, attributed it to his recent condemnation, and thought that the gods were displeased at seeing the very place stained by his blood, where the temples stood which his courage had saved from destruction.(24)

Modern historians have not acquiesced in the view of Manlius and of his relation to Camillus taken by the ancient writers. Hooke considers Camillus to have been guilty of various public misdemeanours, but especially of embezzlement of public money: he thinks that the chief merit of Camillus with the patricians was 'not his military skill, but his skill and inclination to keep the plebeians in extreme indigence, and thereby in a state of servitude to the patrician usurers.' He describes Camillus as the principal actor in a scene of oppression, knavery, and religious imposture: he thinks that

objecta sint reo, apud neminem auctorem invenio; nec dubito haud parva fuisse, quum damnandi mora plebi non in causâ, sed in loco, fuerit; Livy, vi. 20.

(23) Livy represents the tribunes of the plebs as saying: 'Diem dicere ei nobis in animo est; nihil minus populare quam regnum est;' vi. 19.

(24) Dion. Hal. vii. 68, says that a pestilence was ascribed by some to the anger of the gods at the banishment of Coriolanus; above, ch. xii. § 21.

Manlius, the humane, generous, noble-spirited hero, by his civil and social virtues, reproached, eclipsed, and dishonoured the invincible Camillus, and by patronizing the cause of the distressed plebeians, opposed the gratification of his ruling passion, avarice: he contrasts with Manlius, the honest, benevolent, generous, open-hearted, brave soldier, Camillus, the vain, hypocritical, avaricious robber of the public, the champion of tyrannical usurers, and the murderer of the best man in the commonwealth; and he concludes, from his examination of the entire case, that Manlius, innocent of all designs against the liberty of his country, fell a sacrifice to the avarice and ambition of Camillus, and the other oligarchs, his associates in oppressive iniquities.(25) Niebuhr regards Manlius as one of those strong-minded men who have received a calling to be the first among their countrymen, and who feel an unconquerable longing to fulfil it; one of those mighty characters who always have an intense inborn feeling in behalf of justice, truth, and whatever is glorious, who are animated by love and pity, by hatred and indignation, of the right sort. He admits however that the feverish soul of Manlius may perhaps, amid the darkness of his dungeon, have been seized with the idea of usurping kingly power; and that owing to the obstinate resistance of the patricians, he became, whether guilty or innocent, an extremely dangerous person.(26) Dr. Arnold, on the other hand, pointing out that Manlius did not unite with the tribunes, the natural leaders of the commons, nor concert with them any definite measure for the redress of existing evils, concludes that his motives were not pure, and that his purposes were treasonable.(27)

It has been already remarked, that even where full accounts of the trial of a state criminal have been preserved, it is often difficult to form a clear judgment as to his guilt or innocence.

(25) Note to b. iii. ch. 2. Compare note to b. ii. ch. 14.

(26) Hist. vol. ii. p. 606, 610. Compare Lect. vol. i. p. 279-82, where a similar view is taken.

(27) Hist. of Rome, vol. ii. p. 26.

It is of the essence of treason to consist of a mere design, or at the most of an attempt, to overthrow an existing government. The difficulty of proof which belongs to this class of offences was pointed out by Hadrian, when he lamented the unhappy condition of emperors, who could only establish the truth of charges for treasonable attempts against their person by being killed.(28) The case of Manlius forms no exception to this remark. The accounts of his offence differ widely: as some attribute to him the use of open force, while Livy distinctly confines his crime to seditious language. His impeachment by the tribunes, and his condemnation by a popular court, would, if they were certain facts, raise a presumption that he was not sacrificed by the mere party hatred of the patricians and the jealousy of Camillus: the prohibition of the prænomen Marcus in the Manlian house likewise shows that those of his own kin and name did not uphold his innocence. It seems improbable that a popular tribunal, such as the comitia centuriata,(29) should have dealt harshly with a patrician who had espoused the cause of the people, and with a warrior whose services to his country had been so recent, so conspicuous, so important, and so fully recognised. At the same time, Livy informs us, that there was a

(28) Scis enim ipse quid avus tuus Adrianus dixerit: Misera conditio imperatorum, quibus de affectatâ tyrannide nisi occisis non potest credi; Marc. Antonin. Epist. p. 285, ed. 1729.

(29) The first trial of Manlius is stated by Livy to be before the comitia centuriata: 'quum centuriatim populus citaretur;' vi. 20. The trial is then adjourned (prodictâ die, compare ii. 61, iii. 57, 58, xxxviii. 51, 52), and another *concilium populi* is convened in a different place. It is clear that the second *concilium populi* is meant to be identical with the first assembly of the centuries; for the change in its decision is described as having been produced exclusively by the change of place. Niebuhr however (proceeding upon his arbitrary construction of the word *populus*) supposes that the *concilium populi* is an assembly of the curiæ, composed exclusively of patricians, and therefore that the second court was differently constituted from the first; Hist. ib. p. 611—3. This supposition is obviously inconsistent with Livy's meaning, and entirely destroys the coherence of his narrative. Niebuhr overlooks the part which the tribunes play in the whole transaction. Livy's account of the trial of Manlius by the centuries (see a similar case in xliii. 16) cannot easily be reconciled with the long account in Dionysius of the concession extorted by the tribunes from the patricians in the case of Coriolanus, and his trial on a similar charge by the comitia tributa. See above, ch. xii. § 20.

variance of accounts as to the court by which he was tried, and that some described him as having been condemned by two extraordinary criminal judges.(30) Notwithstanding the improvement in the documentary evidence since the burning of the city, we find that a material fact of this kind is still in doubt. The mode of his execution is moreover differently stated. The case of Manlius resembles those of Cassius and Mælius; like them, he espoused the popular cause, was accused of aiming at regal power, and was put to death. In all three cases, the judgment of antiquity was unfavourable, and the charge of a treasonable design to seize the supreme power was considered as well founded.(31) We may, if we think fit, adopt that opinion; but the ancient writers have not given us the means of judging for ourselves whether their conclusion was supported by satisfactory evidence, or whether they only took for granted that a state offender who had been condemned and executed was necessarily guilty.

§ 5 In the year 380 B.C. internal discords were created by the law of debt, and the plebeians refused to enlist. A Prænestine army appeared under the walls of Rome, and, to meet the pressing danger, T. Quinctius Cincinnatus was appointed dictator. The Prænestines, intimidated by this measure, retired to the banks of the Allia; but here, notwithstanding the ominous place, they were speedily routed by Quinctius; who afterwards reduced Præneste and eight other subject towns of the Prænestines; and abdicated his office on the twentieth day. He likewise brought to Rome from Præneste a statue of Jupiter Imperator, and dedicated it in the Capitol, with an inscription

(30) Sunt qui per duumviros, qui de perduellione anquirerent, creatos, auctores sint damnatum; vi. 20. Niebuhr, Hist. ib. p. 612, Lect. ib. p. 281, speaks of these decemvirs as the accusers of Manlius; but Livy appears to consider them as his judges; Compare i. 26. Hooke discredits the trial of Manlius by the comitia centuriata, and thinks that he was condemned by two judges selected by the patricians.

(31) All three, in the judgment of antiquity, belonged to the class whom Appian designates as στασίαρχοι μοναρχικοί, B. C. i. 2.

commemorative of his exploit, the contents of which are recited by Livy.(32)

§ 6 The great constitutional struggle, which ended in the passing of the Licinian laws, now succeeds, extending over ten years, from 377 to 367 B.C. The leader of the plebeian party, C. Licinius Stolo, is related by Livy and Dio Cassius to have been stimulated by the jealousy of his wife, which had originated in a trifling accident. M. Fabius Ambustus, one of the three envoys who had been sent on the celebrated embassy to the Gauls before the battle of Allia, and a patrician of high rank, had two daughters, the elder of whom was married to S. Sulpicius Rufus, a patrician, the other to C. Licinius Stolo, a distinguished man, but a plebeian. The two Fabiæ were one day together in the house of Sulpicius, when he returned home attended, as consular tribune, by his lictors. A lictor, as usual, struck the door with his rod, to announce the arrival of the consular tribune; and the noise alarmed the wife of Licinius, whose ignorance of its meaning called forth the contemptuous laughter of her sister. The concourse of his followers, and their respectful deference to his commands, likewise sank deep in her heart, and made her feel the inferiority of her own position. Her father perceived her grief, and, at length, induced her to confess that it was caused by her having married into a house which no honour or favour could enter. He comforted her with the assurance

(32) Dedicatum est inter cellam Jovis ac Minervæ, tabulaque sub eo fixa, monumentum rerum gestarum, his ferme incisa literis fuit, *Jupiter atque divi omnes hoc dederunt, ut T. Quinctius dictator oppida novem caperet;* vi. 29. A different account of the inscription is given by Festus, p. 363. Trientem tertium pondo coronam auream dedisse se Jovi donum scripsit T. Quinctius dictator, quum per novem dies totidem urbes et decimam Præneste cepisset; see Hist. vol. ii. p. 952. Dion. Hal. xiv. 7, says that Quinctius took nine towns in nine days: thus agreeing with Livy as to the number of towns. Compare above, vol. i. p. 148. Niebuhr's reduction of this inscription into Saturnian verse is quite unauthorized, and is rejected by Müller, ad Fest. p. 362. Dr. Arnold however adopts it, and renders the Saturnian verse into the following triplet, which, it must be admitted, is quite equal in poetical merit to the original:—

From Jove and all the gods this favour did befal,
That Titus Quinctius, sometime Rome's captain-general,
Nine towns did in nine days assault and take withal.

that she would soon see the same honours in her own house which she now saw in that of her sister; and he set about contriving with his son-in-law Licinius the means of giving effect to his prediction.(33) Licinius, and a friend, L. Sextius, a young man of fortitude, were elected tribunes of the people, and, as such, proposed three laws:—1 That the money already paid as interest should be deducted from the principal of the debt, and that the remainder should be discharged by three annual payments. 2 That no person should occupy more than 500 jugera of land. 3 That the elections of consular tribunes should cease, and that one at least of the consuls should be a plebeian. These propositions, as Livy remarks, involved the highest interests in society—the possession of land, the payment of money, the exercise of political power—and they filled the patricians with dismay. All the eight colleagues of the two tribunes were however induced to interpose their veto, and they prevented the rogations from being put to the vote; whereupon, Licinius and Sextius declared their resolution to impede the election of the curule magistrates. Upon this resolution they acted; and for five successive years they two were alone elected tribunes by the plebs, and prevented the election of consuls or consular tribunes. At last, in 370 B.C., they consented to the appointment of military tribunes, in order that an army might be sent to defend Tusculum against the Veliternians. The appointment was renewed in the ensuing year, when the cause of Licinius was strengthened by the accession of three colleagues, so that the college of tribunes was equally divided; and by the election of Fabius Ambustus, his father-in-law, as one of the consular tribunes. Licinius now added a fourth proposition, viz.,—that the curators of sacred things should be increased

(33) Livy, vi. 34; Florus, i. 26; Victor de Vir. Ill. 20; Dio Cass. fragm. xxix. 1; Zon. vii. 24. The custom upon which this story turns is alluded to in the following anecdote in Pliny: 'Cn. Pompeius confecto Mithridatico bello intraturus Posidonii sapientiæ professione clari domum, fores percuti de more a lictore vetuit, et fasces litterarum januæ submisit is, cui se oriens occidensque submiserat;' N. H. vii. 31. The Mithridatic war was concluded in 64 B.C.

from two to ten, and that some of them should be plebeians. The vote on all the Licinian rogations was postponed till after the return of the army from Velitræ, which did not occur till the following year. (368 B.C.) Licinius and Sextius were now about to put their rogations to the vote of the tribes, in spite of the veto of some of their colleagues; when the patricians, driven to their last extremity, take refuge in the appointment of Camillus as dictator. Camillus appears at the voting-place, attended by a large body of patricians, attempts the use of intimidation, and threatens the proposers of the laws, that if they do not yield to the intercession of their colleagues, he will enrol all the young men, and order the army to march immediately out of the city. The two tribunes however stand firm against this menace; and at this critical moment, when the leaders of the opposite parties are fairly engaged in the decisive struggle, Camillus resigns his dictatorship. There were, according to Livy, two explanations of this proceeding in the writers whom he consulted: one was, that the auspices taken upon his appointment were defective; the other was, that the people, upon the proposal of the tribunes, voted that if Camillus acted as dictator, he should be liable to a fine of 500,000 asses.(34) Livy prefers the former account, not because it is better attested, but because another dictator was appointed immediately in his place; because he himself was reappointed dictator in the following year; because he might have resisted the rogation for fining him, or have conceded the other rogations; and because in other struggles between the dictatorial and tribunician authority, the dictator had always the advantage.(35) In the interval between the abdication of Camillus, and the appointment of the new dictator, P. Manlius,(36) the tribunes put the three

(34) Concerning the large amount of this fine, see the remark of Niebuhr, Hist. vol. iii. p. 413.

(35) Plutarch, Cam. 39, says nothing of the defect in the auspices. His account is that Camillus, either influenced by the threat of the fine, or seeing that the people were superior in strength, retired to his house, and alleging the excuse of sickness, resigned his office.

(36) Manlius appointed C. Licinius as his master of the horse. He was the first plebeian who had filled that office, but he had previously been a

rogations to the vote; when those relating to the limit on the occupation of land, and to the relief of debtors, were carried, but that which opened the consulship to plebeians was negatived. This vote, according to Livy, showed which of the three rogations were really acceptable to the people, and which were suggested by the private views of their proposers; and he states that the patricians would have agreed to the two measures in question, but that Licinius and Sextius refused to separate their three rogations; they said that this was the ninth year in which they had been engaged in the struggle against the patrician body without any private emolument, and with great personal danger; that if the law for rendering plebeians eligible to the consulship was abandoned, aged tribunes would remain not only without any honours, but without any hope of honours; they therefore left the question to the decision of the next comitia; if the people wished to have all the three measures, they would re-elect the two proposers of them; if they did not, they would abstain from a reappointment, which could lead to no good consequence.(37) The result is, that when the comitia arrive, Licinius and Sextius are re-elected; and they carry the rogation for making ten curators of sacred things, and opening the office to plebeians. Five patricians and five plebeians are immediately elected. Camillus was now again appointed dictator, on account of the alarm of a Gallic invasion: on his return to the city, the struggle for the Licinian rogations was revived, and after great resistance by himself and the Senate,(38) they were at length carried, in the tenth year from their first promulgation. L. Sextius, the colleague and supporter of Licinius, was elected the first plebeian consul. The patricians refused at first to authorize his election,

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consular tribune; Livy, vi. 39. Plutarch, Cam. 39, and Dio Cass. fr. xxix. 5, say that Licinius Stolo the tribune was appointed master of the horse, and Livy himself makes the same statement, x. 8.

(37) Dio Cass. xxix. 5, also states that the patricians were willing to be reconciled with the plebeians, but that Licinius told them that they should not drink unless they were willing to eat.

(38) Plutarch states that during this struggle, the tribunes sent an officer to arrest Camillus; c. 42.

and a secession of the plebs was threatened, even at this late stage of the proceeding; their consent however was at last obtained, on condition that two curule ædiles and a prætor should be annually elected from their body. In memory of this great political settlement, the Senate erected a temple of Concord, which had been vowed by Camillus.(39)

§ 7 The story of the two Fabiæ, told by Livy, Florus, Victor, and Dio Cassius, is discredited by Beaufort,(40) and after him by Niebuhr, and other modern historians.(41) The main objection to its credibility is, that plebeians were not excluded by law from the office of consular tribune, however rarely they had in fact been admitted to it. The younger Fabia could not, therefore, say with truth that she had married into a house which the honour of consular tribune, with its privilege of being escorted by lictors, could never enter. Her father had likewise been consular tribune in 381 B.C., just four years before the year in which her husband proposed the three rogations,(42) so that she might have learnt this custom, and have witnessed the pomp and circumstance of a consular office, at her father's house. This objection cannot be fairly met without having recourse to arbitrary suppositions. Anecdotes of this kind, which attribute the origin of great events to trifling incidents, are always sus-

(39) Livy, vi. 35—42, vii. 1; Plut. Cam. 39, 42; Zon. vii. 24. Concerning the temple of Concord, see Becker, vol. i. p. 393. Ovid says that Camillus, after a defeat of the Etruscans, vowed this temple during a secession:—

Nunc bene prospicies Latiam, Concordia, turbam,
Nunc te sacratæ constituere manus.
Furius antiquam populi superator Etrusci
Voverat, et voti solverat ille fidem.
Causa, quod a patribus sumptis secesserat armis
Vulgus, et ipsa suas Roma timebat opes.
Fast. i. 639—44.

There is nothing in Ovid to connect the temple of Concord with the Licinian rogations. The defeat of the Etruscans may allude to the capture of Veii, or to the triumph, in Livy, vi. 4. The Senate decreed the erection of a temple of Concord in the Forum, after the disturbances of the Gracchi; Appian, B. C. i. 26.

(40) Diss. p. 308—316.

(41) Niebuhr, Hist. vol. iii. p. 1-3; Lect. vol. i. p. 282. Dr. Arnold, vol. i. ch. 26, omits all mention of the story.

(42) Livy, vi. 22.

picious, unless they are supported by the precise testimony of original witnesses, which in this case is, necessarily, wanting. Niebuhr considers it as a malicious fiction, prompted by love of detraction, and intended to trace a great action to a low motive.(43) Whatever foundation there may have been for the belief that the plebeian Licinius was instigated by the unsatisfied ambition of his patrician wife, we cannot suppose that her feelings could in fact have had much share in the ultimate decision of a great political struggle between the patricians and plebeians, which had been made the subject of a compromise sixty-seven years before, and which, after it had been revived by Licinius, lasted for a whole decad, produced a five years' anarchy, exposed Licinius to much personal danger, and must have taxed his courage and perseverance to the utmost.(44)

It is distinctly stated by Livy, that the election of consuls or consular tribunes, was impeded by Licinius and Sextius for five consecutive years, and that during that time the Republic was without chief magistrates.(45) The same chronological arrangement was also doubtless followed by Dionysius; as he states, in

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(43) The anecdote appears likewise to be discredited by Drumann, Geschichte Roms, vol. iv. p. 56, on the ground of its being a fabrication of 'patrician annalists.' We may compare the account given by Plutarch, Tib. Gracch. 8, of the motives assigned for the agrarian law of Tiberius Gracchus. One was, the ambition and jealousy of his mother Cornelia; another was, his own jealousy of Sp. Postumius, a contemporary and rival. His brother Caius however left it on record that his real motive was, the state of things which he had observed in Etruria, on his road to Numantia.

(44) Licinius says in Livy: 'Nonum se annum jam velut in aciem adversus optimates maximo privatim periculo, nullo publice emolumento stare. Consenuisse jam secum et rogationes promulgatas, et vim omnem tribuniciæ potestatis;' vi. 39. Niebuhr, Hist. vol. iii. note 4, infers from the silence of Plutarch as to this story, that it did not occur in Dionysius. This inference however is untenable; for Plutarch follows Livy to a great extent in his Life of Camillus (see Heeren de Font. vit. Plut. p. 119, he quotes Livy in Camill. 6, and mistranslates him in c. 5. See above, p. 303, note 13) and Livy relates the anecdote. The probability is that it was also related by Dionysius. Niebuhr's argument, founded on the statement of Dion. Hal. xiv. 11, that Sulpicius was a man of moderate politics, is of no weight whatever.

(45) Livy, vi. 35. Eaque solitudo magistratuum. . . . per quinquennium urbem tenuit. In c. 39, Licinius speaks of himself as having been tribune for nine years; and in c. 42, Licinius and Sextius are elected tribunes for the tenth time.

an extant fragment, that the tribunate of Licinius and the Licinian disturbance lasted for ten years.(46) According to Eutropius and Zonaras, the interval of anarchy was only four years.(47) Niebuhr however considers it impossible that such a state of things could have lasted even for a single year; he thinks that, both on account of internal dissensions, and foreign enemies, a suspension of the functions of government for any considerable time would have brought utter ruin upon the community. He therefore rejects the statement as to a quinquennial interval in which the curule magistrates were not elected, and contracts the received chronology by five years.(48) This view is adopted by Dr. Arnold,(49) and it receives some countenance from the chronology of Diodorus, which only allows one year of anarchy.(50) It certainly seems inconceivable that the history of Rome should, as we are given to understand by Livy's narrative, be annihilated for five years, because the election of

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(46) ὁ δεκάκις δημαρχήσας—ἡ δεκαετὴς στάσις, xiv. 22; Lydus de Mag. i. 45, also speaks of the anarchy having lasted for five years. Pliny fixes the age of a lotus at Rome as being not younger than the year 379 U.C. (=375 B.C.)—anno qui fuit sine magistratibus—xvi. 85; but this statement does not imply that there were not other years similarly situated.

(47) See Eutrop. ii. 3; Zon. vii. 24, probably from Dio Cassius. Eutropius however describes it as a voluntary arrangement. 'Verum dignitas tribunorum militarium non diu perseveravit. Nam post aliquantum nullos placuit fieri, et quadriennium ita in urbe fluxit, ut potestates ibi majores non essent;' ii. 3. The statement of Vopiscus, Tacit. c. 1, is confused; but he appears to have found the duration of this anarchy stated at four years.

(48) Hist. vol. ii. p. 560, iii. p. 23; Lect. vol. i. p. 286. An entirely different hypothesis is propounded by Laurent, Fast. Consul. Capitol. p. 56 (Altona, 1833). He retains the five years (378—382 U.C.) in the chronological series, but fills them with the names of magistrates.

(49) Vol. ii. p. 39-41. The five years' anarchy is also considered incredible by Becker, ii. 2, p. 9. He says that it can only be explained by a confusion of the Fasti, or by an attempt to fill up a chasm produced by an antedating of the Gallic capture of the city.

(50) xv. 75. κατὰ τὴν Ῥώμην ἀναρχία διά τινας πολιτικὰς στάσεις ἐγένετο. He places this anarchy in the year before the consular tribunes which correspond to those of Livy for 370 B.C. See Diod. xv. 76; Livy, vi. 36 (the two Valerii are omitted, the other names coincide). The consular tribunes for the preceding year, Diod. xv. 71, are wanting in Livy. An anarchy which lasted for a short time, caused by a contention whether consuls or tribunes should be elected, is mentioned by Diod. xv. 61, in the year which corresponds to 377 B.C., according to the common reckoning.

the chief magistrates is suspended. At a moment of violent civil discord, anarchy was not likely to produce stillness or torpor; nor can we suppose that the numerous enemies of Rome would be likely to omit such an opportunity of successful attack. The received account of these five years seems to involve a supposition similar to the idea, that the course of time can be arrested by stopping the clock. Nevertheless, it must be assumed that the account followed by both Livy and Dionysius was that handed down by the general consent of their predecessors; and as it presents the difficulties just adverted to, we may learn that, although we have passed the capture of the city, we have not yet reached a period of clear and intelligible history.

The account of this political struggle presents some circumstances inconsistent with the general constitutional practice as described elsewhere — such as the overruling of the veto of the other tribunes by Licinius and Sextius;(51) the imposition of a fine on the dictator, even while he is in office; and the attempt of the tribunes to arrest the dictator, mentioned by Plutarch. These extraordinary proceedings may however have been produced by the extraordinary nature of the contest, and they only require adequate attestation, and an explanation of their circumstances, to render them credible. The account of the sudden resignation of Camillus at the critical moment when issue is joined with Licinius, and the uncertainty of Livy, whether it was owing to a defect in the auspices, or to the fear of a fine imposed upon him by the people, furnish a

(51) Compare the account in Appian, B. C. i. 12; and Plut. Tib. Gracch. 10-12, of the difficulty in which Tib. Gracchus was placed by the veto of his colleague Octavius, which prevented him from putting his rogation to the vote, and drove him to the necessity of resorting to the unconstitutional course of expelling Octavius from his office by a vote of the tribes. This case is exactly in point: for the rogation upon which Octavius placed his veto was a re-enactment of the agrarian law of Licinius. Compare Drumann, vol. iv. p. 226. Drusus likewise arrested the laws of C. Gracchus by his single veto, unaccompanied with reasons; Appian, B. C. i. 23. A measure similar to that employed against Octavius is described by Dio Cass. xxxvi. 13, as having been used by Gabinius to remove the veto of Trebellius, in 67 B.C.

remarkable proof of the insecure ground upon which we are still standing.(52) The short dictatorship of Manlius seems to be unattended with any result, although he takes the decided step of appointing a plebeian, for the first time, as master of the horse.(53) The account given by Livy of the first vote of the people upon the three Licinian rogations is not very intelligible. He states that the two rogations, about insolvent debtors and the limit upon land, were alone carried, and that the third rogation, about the eligibility of plebeians to the consulship, was rejected. This vote, he remarks, disclosed the true feelings of the people; and he appears to imply that the tribunes proposed the third mainly in order to gratify their personal ambition. He describes the tribunes as refusing to sever the three measures, and as compelling the people reluctantly to adopt the third, about which they were indifferent, together with the two first, which they were desirous of obtaining. The same view is contained in the saying attributed by Dio Cassius to Licinius; 'that the people should not drink unless they were willing to eat.' Livy's narrative however does not show how this object could have been effected. It is possible that the tribunes had the power of putting the three distinct legislative measures to the vote together as a single question; but, if they exercised it, they must have varied their practice, for Livy plainly states that, when the three laws were first put to the vote, two were carried, and one was rejected;(54) which implies that a separate question was put, and a separate vote taken upon each.

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(52) An entirely different view of the cause of the resignation of Camillus is implied in an entry in the Capitoline Fasti. See Niebuhr, Hist. vol. iii. p. 26.

(53) Plutarch, indeed, who says that Licinius the tribune was appointed master of the horse, describes the second dictator (whose name he does not mention) as permitting the agrarian rogation to pass. He supposes that the final struggle was about the plebeian consulship.

(54) Nam de fenore atque agro rogationes jubebant, de plebeio consulatu antiquabant; vi. 39. The practice of including distinct subjects in one rogation, and of compelling the people to vote upon them as one question, was indeed so well known in later times, that it acquired a peculiar name, and was prohibited by special laws. Satura...lex multis aliis legibus conferta. Itaque in sanctione legum ascribitur, 'neve per Saturam abro-

It appears to be a fair inference from Livy's narrative that the influence of the patricians was mainly directed against the measure admitting plebeians to the consulship, and that their objections to the other two measures were less strong. Plutarch however describes the agrarian measure as that for which the patricians had the greatest repugnance.(55)

The ultimate settlement is stated to have been accomplished under a second dictatorship of Camillus, and amidst violent contentions; but the means by which this protracted and important struggle was decided in favour of the plebeian body are not clearly explained.(56)

§ 8 Of the three Licinian rogations, the measure relating to the repayment of loans had, we are told, been suggested by the prevalence of debt among the plebs, and their inability to discharge their obligations. The compassion of Manlius had been excited by the insolvent debtors, and by the severity of the measures of the patrician usurers for enforcing their rights. The story of the centurion, whom he relieves, is not unlike that of which we read a short time before the first secession.(57) The complaints and disturbances about debt continue at intervals up to the Licinian rogations.(58) If the measure of Licinius is

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gato aut derogato;' Festus, p. 314. The combination of distinct matters in one question was prohibited by the Lex Cæcilia Didia (98 B.C.), of which Cicero says: 'Quæ est, quæso, alia vis, quæ sententia Cæciliæ legis et Didiæ, nisi hæc, ne populo necesse sit in conjunctis rebus compluribus, aut id quod nolit accipere, aut id quod velit repudiare?' Pro Dom. 20. One of Cicero's enactments (borrowed from Roman legislation) in Leg. iii. 4, is: (Qui agent) Ne plus quam de singulis rebus simul consulunto. See Goettling, ib. p. 353.

(55) *τὸν νόμον τὸν μάλιστα λυποῦντα τοὺς πατρικίους*, Cam. 39.

(56) With respect to the period of the Licinian rogations, Dr. Arnold says: 'Again we have conflicting traditions, idle stories, and party exaggerations, in the place of history. But the result of the great struggle is certain, whatever obscurity hangs over the details;' Hist. of Rome, vol. ii. p. 31.

(57) Compare Livy, vi. 14, with ii. 23; above, p. 59. The *largitio*, the payment of debts for insolvents—was one of the items of the treason of Manlius. He is also described by Livy as instigating the plebeians to prevent the courts from exercising jurisdiction in cases of debt. Proinde adeste, prohibete jus de pecuniis dici; vi. 18. According to Appian, H. R. ii. 9, Manlius proposed a general remission of private debts, or their liquidation from a public fund.

(58) Livy, vi. 27, 31-2.

correctly described to us, it provided a remedy only in cases where payments of interest had already been made. It proceeded upon a principle almost universally recognised in antiquity, and sanctioned by a large body of opinion in modern times ; viz., that a distinction is to be made between the repayment of a loan, and the payment of interest upon it, and that whereas the former may be justly claimed by the lender, the taking of interest is morally reprehensible.(59) Licinius accordingly enacted that all payments of interest should be treated as payments of principal, and should go in diminution of the original loan; and that no interest should be payable by the borrower. This measure may be compared with the compulsory repayment of interest, which Plutarch states to have been once enacted at Megara;(60) only instead of repaying the interest which the lender had received, he was to cancel an equal amount of debt. The description of the unhappy state of the insolvent debtors, at this time, and of the severity of the remedies enforced against them, leads to the inference that neither the first secession, nor the laws of the Twelve Tables, had ameliorated their condition, and that the debtor who failed to perform his contract still became the slave of his creditor.(61)

§ 9 The second Licinian rogation imposed a limit upon

(59) See Grote, Hist. of Gr. vol. iii. p. 142-8; 211-215. This principle is expressed in the speech which Livy puts into the mouth of Manlius, when he is summoned by the dictator. He first exhorts the patricians to pay the debts of the crowds of plebeians, by whom he is surrounded. He then proceeds thus: 'Sed quid ego vos, de vestro impendatis, hortor? Sortem aliam ferte; de capite deducite quod usuris pernumeratum est; jam nihilo mea turba quam ullius conspectior erit;' vi. 15. Here he supposes the lender to consent voluntarily to a proceeding like that which Licinius invested with the legal sanction. The words 'sortem aliam ferte' mean—'make a different principal;' that is to say, reduce the loan by applying to it the principle which he proceeds to explain.

(60) Quæst. Grac. 18. The measure was called παλιντοκία. See above, p. 87, n. 267.

(61) Itaque quum jam ex re nihil dari posset, famâ et corpore, judicati atque addicti, creditoribus satisfaciebant, pœnaque in vicem fidei cesserat; Livy, vi. 34; also the passage from c. 36, cited above, p. 88, n. 271. The words 'ni potius quam sorte creditum solvat' in the latter passage are explained by Gronovius, and after him by Alschefski, to mean, 'unless the plebs repay the loan with something beyond the principal;' that is, unless they pay interest as well as principal. See above, ch. xii. § 18.

the possession or occupation of land; and fixed this limit at 500 jugera, or about 375 acres. The accounts given of the various agrarian laws, affecting the division and occupation of the public land, obtained by conquest, have been examined in the previous chapter;(62) and it has been shown that although the details cannot be reconciled, the general view of the subject which they present is consistent. All that is stated on the agrarian question, between the capture of the city and the Licinian rogations, bears a similar character. After the suppression of the Volscian power by Camillus, the tribunes press for a division of the Pomptine district, which could now be cultivated without the danger of hostile incursions: they complain that the patricians are worse enemies to the plebs than the Volscians; for that the Volscians only made occasional inroads into the country, whereas the patricians seize the public land; and the plebs are permanently excluded from it, unless it is divided as soon as it is acquired.(63) A few years afterwards, the Senate appointed five commissioners for dividing the Pomptine territory.(64) In the midst of the Manlian disturbances, the Senate, by a sudden act of liberality, send a colony of 2000 Roman citizens to Satricum, with an allotment of 2½ jugera apiece (nearly two acres). This measure failed to give satisfaction: for the number of colonists, and the share of each, were considered small; and it was looked upon in the light of a bribe for betraying the cause of Manlius.(65)

Up to the Licinian rogation, all the agrarian contests appear to have been intended to secure the division of public land among the plebeians; such public land either having been recently acquired by conquest, and not being in the occupation of Roman citizens, or being in the possession of patricians, who had obtained it without any legitimate title. Licinius introduced a new

(62) Ch. xii. § 68.

(63) Livy, vi. 5, 6. (64) Ib. c. 21.

(65) Livy, vi. 16. He places this colony in 385 B.C., five years after the capture of the city. Velleius, i. 14, places the colonization of Sutrium seven years after the capture of the city, where Sigonius proposes to read *Satricum*.

principle: his law fixed a maximum limit on the possession of land, and prevented any person from holding more than 500 jugera. A question has been raised, whether this limit was confined to the possession of public land, and whether it did not also apply to land held in private property.(66) None of the writers who mention this law expressly confine it to public land;(67) but Livy uses the word 'possession,' which would more naturally refer to the lands of the state: and as all the previous agrarian measures were restricted to public land, it seems probable that the Licinian rogation had only this extent. So brief, however, and imperfect are the accounts of this law, that the question does not admit of a certain solution. As far as we are able to form a judgment on the matter, it seems that the practical operation of the law must have been confined to the large occupations of the patricians on the public domain; for the plebeian allotments consisted only of a few jugera, and it does not appear that the patricians had ever received grants of public land in full ownership; so that all their estates at this time must have been in the nature of possessions. According to Livy, Licinius and Sextius, in defending this rogation, treat the limit as applicable exclusively to the patricians; they ask whether it is reasonable that when a plebeian has only two acres, a patrician should have more than five hundred:(68) evidently implying that the pro-

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(66) See Huschke, Ueber die Stelle des Varro von den Liciniern: Heidelberg, 1835; Mr. Long's articles on the Licinian Rogation de Modo Agrorum, in the Classical Museum, vol. ii. p. 254 and 307; Prof. Puchta's Answer, vol. iii. p. 67; and Mr. Long's Reply, ib. p. 78; Marquardt, Handbuch, vol. iii. part i. p. 321; Goettling, Röm. Staatsverfassung, p. 351, 354.

(67) See Puchta, ib. p. 71.

(68) Auderentne postulare, ut quum bina jugera agri plebi dividerentur, ipsis plus quingenta jugera habere liceret? Ut singuli prope trecentorum civium possiderent agros, plebeio homini vix ad tectum necessarium, aut locum sepulturæ, suus pateret ager? Livy, vi. 36. Afterwards they add: Atqui *nec agros occupandi modum*, nec fenore trucidandi plebem, *alium patribus unquam fore*, nisi alterum ex plebe consulem, custodem suæ libertatis, plebes fecisset; ib. c. 37; where the excessive occupations of land are restricted to the patricians. In c. 41, Appius Claudius says that by this law 'solitudines vastas in agris fieri, *pellendo finibus dominos*;' where the *possessores* are invidiously described as *domini*.

posed law would only affect the patricians; and there is nothing to make it probable that any patrician had at this time an estate of more than five hundred jugera, derived from a public grant; which appears to have been the only valid title to land which the Roman law then recognised. The mere extent of an estate in land cannot have inflicted any harm on the plebs, unless it prevented the division of public land among them. If however the estate were held by a private title: if, for example, it had been acquired by purchase from the legal owner; there seems no adequate motive for limiting its size; unless indeed the number of acres in excess was to be confiscated to the state, and to become the subject of division. All our information leads us to suppose that the agrarian rogation of Licinius was substantially directed against the patrician holders of tracts of public land; that it was intended to reduce their occupations to five hundred jugera, and to provide a residue which might, from time to time, be divided among the plebs. The form of the law might likewise be understood as implying that it secured the patricians in their possessions up to the limit of 500 jugera; that it involved a pledge, that within that limit their occupation would be respected by the state, and would not be molested by any future agrarian law for the division of public land. On this part of the question, however, our authorities are silent; nothing is said of any benefit accruing to the patricians from this rogation. When indeed we consider that nearly the entire executive government was in the hands of the patricians, that they exercised a predominating influence over the comitia, that the extensive occupiers of public land were in general patricians, and that the actual possession of land, accompanied with the expenditure of labour and capital upon it, continued for a length of time, has always been regarded as an equitable foundation for a legal title to its full dominion; we cannot but wonder that the patricians should never have made an attempt to obtain a confirmation of their possessions by some public act, which would have protected them, at least in certain defined circumstances, against the operation of an agrarian law. The meagre accounts

of the early agrarian laws do not explain how far they went in disturbing long-continued possession. No instance is mentioned of patricians being ejected from their encroachments on a large scale: though they were threatened with such a measure by Tib. Gracchus.

Ten years after the passing of the Licinian law (357 B.C.) Licinius was himself condemned under his own law by M. Popilius Lænas (apparently in virtue of his official authority), (69) to a fine of 10,000 asses, for holding, together with his son, 1000 jugera. Licinius had emancipated his son, in order to enable him to hold land independently of himself; but this emancipation was treated as colourable and fraudulent, and the occupation of the son was considered as being in law the occupation of the father.(70) We have no reason for ques-

(69) Plutarch says that the first agrarian law proposed by Tib. Gracchus contained a provision for the compensation of occupiers ejected from their lands; c. 9; but that, irritated by the opposition of the rich, he altered this provision, and afterwards proposed the simple ejection of all persons whose occupation was contrary to the existing laws; c. 10. (Niebuhr thinks that the plan of compensation ought to have been adopted; Lect. vol. ii. p. 282.) Appian, moreover, describes Tib. Gracchus as attempting to prevail upon the rich to accept his law, by reminding them that it will secure their title to 500 jugera for themselves, and 250 for each son, and that they will obtain this amount of land without payment as an equivalent for their expenditure; i. 11. The complaints of the old possessors whom it was proposed to eject are fully set out by Appian, c. 10, as well as the practical difficulties as to identifying the land, ascertaining the boundaries of estates, examining titles, &c., which attended the operations of the commissioners appointed under the law; c. 18. In the latter chapter, he speaks of a proclamation permitting any person to cultivate the public undivided land. Appian adds, that not long after the death of C. Gracchus, a law was passed, by which the prohibition to alienate the allotments was repealed, and that they speedily fell, either by purchase or violence, into the hands of the rich. He likewise states that the law of Sp. Thorius the tribune, which followed soon after (about 108 B.C.) prohibited all divisions of public land, and confirmed the actual holders in their possession, but it imposed a tax upon them, and provided that the proceeds of it should be distributed among the poor; which (says Appian) was a relief to the poor, but no encouragement to population; c. 27.

(70) Livy, vii. 16; Dion. Hal. xiv. 22; Val. Max. viii. 6, § 3; Plin. N. H. xviii. 4; Columella, i. 3; Victor, de Vir. Ill. 20; Plut. Cam. 39. It is not stated that the land held by Licinius was public land, but the word *possideo* is used by Livy. The words of Livy imply that Popilius Lænas imposed the fine of his own authority; Valerius Maximus, however, says that he was the accuser of Licinius, and Dionysius states that he was condemned by the people. The latter adds a saying of Licinius, that the

tioning the legality of this decision; but it seems highly probable that the proceeding was vindictive. This example shows that the possession of large estates was not at this time confined to the patricians. Whether Licinius, in addition to the payment of a fine, was deprived of all land in excess of the legal maximum we are not informed. More than half a century later (298 B.C.), we hear of the ædiles taking measures for enforcing this law, by laying several informations against the offenders, nearly all of which were successful.(71)

We now lose sight of the agrarian law of Licinius for more than a century and a half, when it is re-enacted with a view to its practical reinforcement, on the proposal of Tiberius Gracchus (133 B.C.). (72) The history of the times of the Gracchi, as related by Plutarch and Appian, was derived from contemporary writers, and is entitled to full credit.(73) Their account however of the ancient Licinian law, which both the Gracchii revived,

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people was as savage as a wild beast, for it did not spare even those who fed it. M. Popilius Lænas was a plebeian; see Livy, vii. 23. The legality of the sentence on Licinius Stolo is not questioned by Niebuhr, Hist. vol. iii. p. 52; but the prosecution is regarded as vindictive by Dr. Arnold; vol. ii. p. 70.

(71) Eo anno plerisque dies dicta ab ædilibus, quia plus, quam quod lege finitum erat, agri possiderent; nec quisquam ferme est purgatus, vinculumque ingens immodicæ cupiditatis injectum est; Livy, x. 13. The story told by Dion. Hal. xvi. 15, of the consul L. Postumius Megellus having in 291 B.C. employed 2000 of his soldiers in clearing away wood on his estate, without allowing them the use of iron, is used by Niebuhr, Hist. vol. iii. p. 413, as a proof that the Licinian law was violated by an occupation exceeding 500 jugera. Dionysius does not say that Postumius was fined for this act, but it is stated by Livy, Epit. xi. See Niebuhr, Lect. vol. ii. p. 277.

A division of the Picentine territory among the plebs, carried by C. Flaminius, the tribune, in 232 B.C., is regarded by Polybius as the main cause of the subsequent deterioration of the people. His language seems to imply a disapprobation of the policy of dividing public land among the poor; ii. 21.

(72) Plutarch, Tib. Gracch. 8, says, that C. Lælius attempted to revive the policy of the Licinian law, but that he desisted from his attempt in consequence of the opposition of the great men: and that from his prudence in this matter he earned his appellation of *Sapiens*. He was tribune in 151 B.C., which is probably the date of this attempt.

(73) It is much to be regretted that the works of the contemporary historians of this period have perished: but their writings doubtless served as the foundation of the accounts given by Appian and Plutarch. The character of those accounts in Niebuhr, Lect. vol. ii. p. 276, is too unfavourable.

had not the same advantage, and was drawn from less trustworthy sources.(74) Appian describes this law as originating in circumstances which could not have begun to exist at the time when it was passed, and of which no trace occurs in the narrative of Livy. The Romans, he says, seeing that the large estates held by single proprietors, and cultivated by slave labour, prevented them from obtaining freemen from the allies to serve in their armies, were desirous of providing a remedy for this evil. They perceived however that it was not easy, nor altogether just, to deprive so many persons of lands held for so long a time, which they had cultivated, and upon which they had erected buildings: it was therefore with reluctance that, upon the proposal of the tribunes, they at length enacted that no person should hold more than 500 jugera of the public land, nor keep more than 100 of the larger or 500 of the smaller animals;(75) besides which it was ordered that there should be on each estate a fixed number of freemen, who might watch what happened, and report it to the authorities. They then confirmed the law with an oath, and imposed penalties for its violation; thinking that all the land beyond the appointed limit would in a short time be sold to the poor. But no regard was paid either to the law, or to the oaths;(76) those who affected to observe it, made fictitious conveyances to their kinsmen, who held the land merely as trustees, while the great majority set the law at open defiance. This state of things continued until the time of Tib. Gracchus, who revived the law with respect to the 500 jugera; but allowed each son to hold 250 jugera, which the old enactment did not permit. He further provided that all the land in

(74) The interval between the passing of the Licinian rogations, and the agrarian law of Tiberius Gracchus, was 234 years (367 and 133 B.C.): so that the writers contemporary with the Gracchi could have had no certain oral tradition of the circumstances which led to the agrarian measure of Licinius, and their knowledge of the subject was probably very imperfect and conjectural.

(75) By the larger animals we must understand cattle, asses, and mules (for horses were not considered by the ancients an agricultural animal); and by the smaller, sheep and goats.

(76) We ought probably to read οὔτε τοῦ νόμου οὔτε τῶν ὅρκων.

excess of this limit should be divided among the poor, by three commissioners, to be annually elected for the purpose, and he prohibited the grantees of the state from selling their allotments. It was this latter provision, Appian remarks, which caused the greatest consternation among the rich; because the division by public authority prevented them from setting the law at nought as they had previously done; and they were not even permitted to buy the allotments, when the grantee was willing to sell.(77)

Plutarch, in his life of Tiberius Gracchus, also traces the origin of the agrarian law of Licinius; but his account differs from that of Appian. According to his statement, the Romans either sold the land which they acquired in war, or retained it as public property, and assigned it to the poorer citizens, upon payment of a moderate rent. The rich however, by offering higher rents to the state, were able to expel the poor from their holdings; and in order to prevent this abuse, a law was made limiting the occupation of land to 500 jugera. For a short time this enactment restrained the greediness of the rich, and protected the poor in the occupation of the allotments which they rented of the state. But at last, the tenancies of the poor passed into the hands of their rich neighbours, who at first held them under fictitious names, and at last openly appeared as possessing the real interest in the soil; so that the small occupiers were everywhere ejected.(78)

Neither Appian nor Plutarch distinctly states that the law imposing the limit of 500 jugera, revived and amended by Tib. Gracchus, was the law of Licinius. They are however identified by Velleius,(79) and no reasonable doubt of their

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(77) Appian, Bell. Civ. i. 8 and 9. (78) Tib. Gracch. 8.

(79) [C. Gracchus] dividebat agros, vetabat quemquam civem plus D. jugeribus habere, quod aliquando lege Licinia cautum erat; ii. 6. All certain knowledge of the Licinian period must have been extinct in the time of the Gracchi, so far as it depended on memory and oral tradition; the interval (as we have already stated) being 234 years. Beaufort, République Romaine, vol. vi. p. 344, says of the agrarian law of Licinius: 'C'étoit la loi la plus salutaire, la plus utile, et la plus nécessaire à la république. Ce fut cette même loi que les Gracques voulurent remettre en

identity can exist. The two writers differ as to the precise circumstances in which the Licinian law originated. They agree however in stating that it was intended to increase the number of small free cultivators, who could serve in the armies, and to repress the system of large occupations cultivated by slave labour. Livy, on the other hand, treats it as a measure for promoting the private interests of the plebeians, by securing to them the means of existence: he does not advert to the substitution of slave for free labour, and the consequent diminution of the population fitted for military service.(80) Moreover, his account of the manner in which the Licinian rogations were carried does not at all agree with the statement of Appian, that the people, reluctantly and with hesitation, after a long delay, imposed the limit of 500 jugera as a necessary remedy for a crying evil. The extension of the system of large plantations, cultivated by slaves, over the centre and south of Italy, which Appian and Plutarch contemplate, had not come into existence at the passing of the Licinian laws, only twenty-three years after the capture of the city, and before Rome had carried her

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vigueur; mais si Licinius et Sextus essuyèrent de si rudes combats pour la faire recevoir, que ne devoit-il pas coûter aux Gracques, et que ne leur en coûta-t-il pas en effet, pour avoir entrepris de la remettre en vigueur?'

(80) The change in question is mentioned by Livy as having taken place in his own time—over the country once occupied by the Volscians and Æquians. 'Aut innumerabilem multitudinem liberorum capitum in eis fuisse locis, quæ nunc, vix seminario exiguo militum relicto, servitia Romana ab solitudine vindicant;' vi. 12. Compare Appian, B. C. i. 7, 10 and 11, where it is clearly shown that the main object of the agrarian law of Tib. Gracchus was to change the system of cultivation in Italy, by substituting freemen for slaves. His policy (says Appian) was to increase not wealth, but population. Γράκχῳ δ' ὁ μὲν νοῦς τοῦ βουλεύματος ἦν οὐκ ἐς εὐπορίαν ἀλλ' ἐς εὐανδρίαν, i. 11. See likewise the authentic account of the circumstances which first suggested this law to Tib. Gracchus, taken from a work of his brother Caius; Plut. Tib. Graech. 8.

The policy of Gracchus was to create a population of αὐτουργοί (see above, vol. i. p. 418, n. 31), of small proprietors, cultivating their land without slave labour, leading a hardy life, and ready to serve in the legions when required for military purposes: such a population as that described by Virgil in the following verses:

> At patiens operum parvoque assueta juventus
> Aut rastris terram domat, aut quatit oppida bello.
> Omne ævum ferro teritur, versâque juvencûm
> Terga fatigamus hastâ.—Æn. ix. 607-10.

conquests far from her gates. Their description of the Licinian law, and of the views with which it was renewed by Tib. Gracchus, nevertheless proves beyond all doubt that its operation, at the time of its re-enactment in 133 B.C. was viewed exclusively with reference to the public land, and that it was not considered as having any reference to private property.(81)

The subsidiary enactments with which the law of the 500 jugera is associated by Appian—imposing a maximum on the number of sheep and cattle, and a minimum for the number of freemen, on each estate—appear to be mainly directed against the cultivation by slaves. They are not mentioned by Livy; and probably formed no part of the Licinian law; but were additions of a subsequent date.(82)

§ 10 The third Licinian rogation prohibited the election of consular tribunes, and enacted that one at least of the consuls should be a plebeian. The result of the law therefore was, that both the consuls might be plebeians, though they could not both be patricians.(83) This appears at first sight to be an injustice;

(81) It is distinctly stated that the measure of Tib. Gracchus referred to the public land. See Plut. Tib. Gracch. 8; *ἀναλαβεῖν τοῖς πένησι τὴν δημοσίαν χώραν*, and Appian, B. C. i. 10, 11, *τὰ κοινά*. Liv. Epit. 58. Tib. Sempronius Gracchus tribunus plebis cum legem agrariam ferret adversus voluntatem senatus et equestris ordinis, 'ne quis ex publico agro plus quam D. jugera possideret.' [This correction of Sigonius seems necessary.]

(82) The maximum of 500 jugera, and the limit on the number of sheep and cattle, are however placed in juxtaposition in a fragment of a speech of M. Porcius Cato, delivered in 167 B.C., and cited by Gell. vii. 3. See Meyer, Orat. Rom. Fragm. p. 105. A speech attributed by Livy to Cato, in 195 B.C., mentions the agrarian law of Licinius; xxxiv. 4. The birth of Cato was posterior by 133 years to the Licinian rogations. Niebuhr has collected numerous subsidiary regulations, which may have formed a part of the agrarian law of Licinius, but his reconstruction is purely conjectural, and leads to no historical result; Hist. vol. iii. p. 12—18. He likewise refers to this period an extraordinary commission of three, mentioned in Lydus de Mag. P. R. i. 35, which, he thinks, had powers respecting the public land, and the settlement of debt, similar to those possessed by the commissioners of Tib. Gracchus; Hist. vol. iii. p. 43. Dr. Arnold however, vol. ii. p. 66, holds that the statement of Lydus refers to the triumvirate of Augustus, Antonius, and Lepidus; and at all events, the account is not such as to deserve any credit, or to admit of being engrafted upon the narrative of Livy.

(83) See Livy, vi. 40: Hoccine est in commune honores vocare, ut duos plebeios fieri consules liceat, duos patricios non liceat?

but the influence of the patricians in the comitia was such as to secure their carrying at least their share of the candidates, and if there was an option of making both consuls patricians, there was a danger that no plebeian would be elected.(84) In order to understand the scope of this law, it is necessary to recur to the early history of the consular government. The institution of tribunes of the plebs, only thirteen years after the expulsion of the kings, was the first check upon the power of the annual patrician consuls: and, according to Livy, the law proposed in 462 B.C. by the tribune Terentillus, had for its object a limitation of the consular authority over the plebeian body.(85) Neither the decemviral legislation indeed, nor the laws of the consuls Valerius and Horatius, affected the consular office: but a few years afterwards nine of the tribunes proposed a law which rendered plebeians eligible to the consulship.(86) This rogation was met by the patricians with a compromise. It was agreed that the consular office should remain intact, and accessible only to the patricians; but that an option should be allowed of electing military tribunes with consular power, being in number not less than three—and that to this office plebeians should be eligible. The effect of this arrangement was, that in each year there were two points to be contended for by the plebs. One was that consular tribunes, and not consuls, should be appointed; the other was, that some of the persons elected as consular tribunes should be plebeians. Either on account of their number, and consequent discords, or on account of the inferior dignity of

(84) This reason is set forth in the speech of Appius: 'Timeo, inquit, ne, si duos licebit creari patricios, neminem creetis plebeium;' Livy, vi. 40.

(85) The complaints made by him against the power of the consuls were as follows: 'Nomine enim tantum minus invidiosum, re ipsâ prope atrocius quam regium, esse. Quippe duos pro uno domino acceptos, immoderatâ, infinitâ potestate; qui, soluti atque effrenati ipsi, omnes metus legum omniaque supplicia verterent *in plebem*;' Livy, iii. 9.

(86) This rogation was, 'Ut populo potestas esset, seu de plebe seu de patribus vellet, consules faciendi;' Livy, iv. 1. ἅπασι Ῥωμαίοις ἐξεῖναι τὴν ὕπατον ἀρχὴν λαμβάνειν, Dion. Hal. xi. 53. It differed from the Licinian law, which required that one at least of the consuls should be a plebeian; Livy, vi. 35.

the office, consular tribunes were less formidable to the plebs than consuls: and the plebs preferred that consular tribunes should be appointed, even if they were all patricians. But the state of things most acceptable to the plebeian body was, that consular tribunes should be appointed, and that some of them should be plebeians.

We have, in the last chapter, traced the history of this office from its institution in 444 B.C. to the capture of the city in 390 B.C.,(87) and we have seen that during the first twenty years, there were few years of consular tribunes; that from 426 to 390 B.C. the consular years are in a small minority; but that the first plebeian consular tribune was not elected till 400 B.C. From 390 to 366 B.C., the year in which the first plebeian consul is elected, the series of consular tribunes is unbroken, with the exception of the five years of anarchy. In fact, there are only two consular years (viz., 393-2 B.C.) in the forty-two years from 408 to 366 B.C. This circumstance, as well as the increased number of consular tribunes in the separate years in the latter part of the period, indicates a progressive increase of the plebeian power. Nevertheless, it appears that the patricians retained the practical monopoly of the office of consular tribune up to the last. Plebeians are only mentioned as having been elected in one year after the capture of the city.(88) The Licinian law rendered it necessary that one at least of the consuls should be a plebeian: it therefore abolished the option of electing consular tribunes, although the institution of consular tribunes was in itself acceptable to the plebs.(89) A consulship

(87) Above, ch. xii. § 56.

(88) In 379 B.C. there were six consular tribunes, of whom three were patricians and three plebeians; Livy, vi. 30. In the following year, C. Licinius appears to be a plebeian, *i. e.* C. Licinius Calvus; Livy, c. 31; Diod. xv. 57. But in the year 377 B.C. 'plebs tribunos militares patricios omnes, coacta principum opibus, fecit;' c. 32. Niebuhr thinks it 'inconceivable' that the consular tribunes at this time should be nearly always patricians, and supposes that something is wanting: but the lists of names, if they are authentic, admit of no other supposition. See Lect. vol. i. p. 282.

(89) Dr. Arnold says: 'The institution of the military tribuneship was in itself an affront to the commons; it was only because it was so inferior in dignity to the consulship, that it had been made nominally accessible to

with the certainty of one plebeian consul was better for their order than consular tribunes with an uncertainty as to the election of plebeians. It is true that the option of electing consular tribunes might have been retained, with a rule that half of them should be plebeians; but the divided power of the consular tribunes had doubtless been found disadvantageous,(90) and the plebs were probably content that the consulate should be restored, provided that an equal share in that high office was secured to them. The indifference about this rogation, as compared with the other two, which Livy ascribes to the plebs, is not very intelligible, though this enactment certainly did not, like the other rogations, directly affect their pecuniary interests: nor can it be easily reconciled with the violent struggle, leading nearly to a secession, which he describes them as subsequently making for the attainment of this object; or with the indignation at the violation of the Licinian law by the appointment of two patrician consuls in 355 B.C.(91)

It is clear that consular tribunes were not (according to one of the accounts preserved by Livy) (92) appointed merely on account of the increase of business, like proconsuls and prætors: but that the office had from the beginning the character of a

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them;' vol. ii. p. 35. There seems to be nothing in the narrative of Livy to support this view. He calls the consuls, as distinguished from the consular tribunes, 'invisus plebi magistratus,' v. 29, without reference to the question of the election of patricians or plebeians. In the next year, the division of the Veientine land so gratifies the people, that they consent to the appointment of consuls, instead of consular tribunes, for the last time before the Licinian law. 'Eo munere delenitâ plebe, nihil certatum est quo minus consularia comitia haberentur;' v. 31. The same influence would probably have enabled the patricians to carry their own candidates as consular tribunes; but they preferred the election of consuls.

(90) See the account of the quarrel of Sergius and Virginius during the siege of Veii, and their being compelled by the Senate to resign their offices before the proper time, in Livy, v. 8, 29. Also of the deference paid to Camillus by his five colleagues, in vi. 6.

(91) Livy, vii. 18: Plebes contra fremit, 'Quid se vivere, quid in parte civium censeri,' &c.

(92) Sunt qui propter adjectum Æquorum Volscorumque bello et Ardeatium defectioni Veiens bellum, quia duo consules obire tot simul bella nequirent, tribunos militum tres creatos dicant, sine mentione promulgatæ legis de consulibus creandis ex plebe; Livy, iv. 7.

compromise and a popular concession: for as soon as the appointment of the plebeian consul is achieved, the consular tribunes are abolished, although the business of the office is not diminished, but must, on the contrary, have been greatly increased since the first institution of consular tribunes in 444 B.C. It is however true that the suppression of the consular tribunes is accompanied by the creation of the office of prætor, to whom the chief part of the consular jurisdiction is transferred.

After the year 367 B.C., we hear no more of consular tribunes, and the office disappears from the Fasti. With the exception of the account of the first election of consular tribunes, the history of this magistracy during the seventy-seven years of its existence, is consistent, coherent, and intelligible; and the historical narrative supports and explains the lists of names in the tables of magistrates. So far therefore as the internal evidence goes, it confirms the authenticity of the traditionary accounts for the period in question.

§ 11 The settlement effected by the passing of the Licinian rogations was not quite conclusive; for the patricians were able, in six different years from 355 to 343 B.C., to carry both consuls of their own order, in spite of the law.(93) In one of these years, however (354 B.C.), Livy, after having described in detail the election of the two patrician consuls, M. Fabius Ambustus and T. Quinctius—as well as the indignation of the tribunes and the grief of the plebs, which this event produced—proceeds to state that in some histories he finds the name of M. Popilius for T. Quinctius.(94) Now M. Popilius Lænas, who appears to be the person signified, was a plebeian; and therefore the histories

(93) These years are 355, 354, 353, 351, 349, 343, B.C., in all of which the election of patrician consuls is expressly mentioned by Livy. Niebuhr, Hist. ib. p. 50, adds the year 345 B.C., apparently considering both Fabius and Sulpicius as patricians. An attempt was made to elect two patricians in 296 B.C., but it was frustrated by the opposition of Q. Fabius, who refused to be a party to it; Livy, x. 15. See Becker, ii. 2, p. 103.

(94) In quibusdam annalibus pro T. Quinctio, M. Popilium consulem invenio; vii. 18. The explanation of this variation in Niebuhr, ib. p. 49, is merely conjectural.

which contained his name could not have recognised the preceding account of the election of two patricians. A variation in so important a matter as the name of a consul, and a doubt as to whether he was a patrician or plebeian, at a moment when this was the chief point in dispute between the two orders, shows that no account of this year, recognised as authentic by the later historians, could have been in existence.

The appointment of the first plebeian dictator, in 356 B.C., ten years after the passing of the Licinian laws, was a natural consequence of the admission of plebeians to the consulship:(95) for the dictator was named by one of the consuls, and if the choice fell to the lot of the plebeian consul, he might naturally select one of his own order.(96) It seems that the discretion of the consul in the choice of a dictator was unlimited, and therefore that no legislative act was necessary in order to make this change.

The law for the remission of interest upon subsisting loans carried by Licinius did not prove an adequate remedy for the evil of insolvency; for in 357 B.C. a rogation *de unciario fenore* was carried by two of the tribunes, to the great satisfaction of the plebs.(97) The precise nature of the *unciarium fenus* has not been explained by the ancients, and is a matter of conjectural dispute among modern scholars:(98) but from the context it appears to have been a reduction of the market rate of interest. Livy likewise adds, in a subsequent year, that although the interest was reduced, the plebs were still unable to repay the principal of the loans.(99) The chief settlement seems however to have been effected in 352 B.C., when five commis-

(95) Livy, vii. 17. The name of the first plebeian dictator was C. Marcius Rutilus, and he named a plebeian master of the horse.

(96) See Niebuhr, Hist. vol. iii. p. 47.

(97) Livy, vii. 16.

(98) There are three hypotheses respecting the Fenus unciarium: 1, that it is one per cent. per annum; 2, that it is a hundred per cent. per annum; 3, that it is $8\frac{1}{3}$ per cent. per annum. To these, Niebuhr adds a fourth, viz., that it is $8\frac{1}{3}$ per cent. for ten months, or ten per cent. per annum. See Hist. vol. iii. p. 54-62.

(99) vii. 19.

sioners were appointed, who constituted a Court of Insolvency, and extinguished a great mass of private debts, partly by equitable reductions of the principal, and partly by payments from the public treasury. These commissioners, says Livy, discharged their duties with so much diligence and justice, that their names were recorded in all the histories of the time.(100) Even this measure, however, did not suffice; for five years afterwards, 347 B.C., the *unciarium fenus* was reduced to a half, and the repayment of the principal was deferred to four annual instalments;(101) and Livy adds, that according to some of his authorities, Genucius the tribune, in 342 B.C., either carried or proposed a law abolishing interest upon money altogether.(102) An entirely different origin for the *unciarium fenus* is assigned by Tacitus: he traces it to a law of the Twelve Tables, and states that this rate was afterwards reduced to a half by a tribunician rogation.(103)

§ 12 The Licinian rogations were followed by a great

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(100) Meriti æquitate curâque sunt, ut per omnium annalium monumenta celebres nominibus essent; vii. 21.

(101) Livy, vii. 27. This was called *semunciarium fenus*.

(102) Præter hæc, invenio apud quosdam, L. Genucium, tribunum plebis, tulisse ad populum ne fenerare liceret; vii. 42. Appian, B. C. i. 54, mentions the existence of an ancient law, which prohibited lending money upon interest, and imposed a fine upon the lender. An attempt to enforce this law, contrary to the usage, which had sanctioned the taking of interest, was made by A. Sempronius Asellio, the prætor, in 89 B.C.; it led to a riot, and to his murder by the money-lenders. Compare Val. Max. ix. 7, 4; Livy, Epit. 74. Usurers are fined at the prosecution of the ediles, in 296 B.C. (Livy, x. 23); which seems to imply that usury was then illegal. Livy, xxxv. 7, mentions under 193 B.C. that there were many laws for the repression of usury among Roman citizens, but that they were evaded by inserting the name of allies. The laws were accordingly extended to them. Compare Drumann, vol. ii. p. 159. See also Dirksen, Zwölf-Tafel-Fragmente, p. 594, who cites Cato de Re Rust. præf.: 'Majores nostri sic habuerunt, et ita in legibus posuerunt, furem dupli condemnari, feneratorem quadrupli. Quanto pejorem civem existimarint feneratorem quam furem, hinc licet existimari.' This passage shows that the prohibition of usury was of old standing in Cato's time.

(103) Sane vetus urbi fenebre malum et seditionum discordiarumque creberrima causa, eoque cohibebatur, antiquis quoque et minus corruptis moribus. Nam primo duodecim tabulis sanctum, ne quis unciario fenore amplius exerceret, cum antea ex libidine locupletium agitaretur; dein rogatione tribuniciâ ad semuncias redacta, postremo vetita versura; Ann. vi. 16. Compare Niebuhr's remarks on this contradiction; ib. p. 54.

pestilence, which was fatal to many distinguished persons, and among them to the great Camillus. Although he was now much advanced in years, he is stated to have been deeply regretted by his countrymen.(104) His reputation, both in civil and military affairs, exceeded that of all his contemporaries; but the accounts of his life are singularly perplexing. His two great military exploits are the capture of Veii and the relief of Rome: yet the former city is related to have been taken by a mine, which implies little generalship in the commander; and the fact of his relieving Rome from the Gauls is impliedly negatived by some of the ancient accounts. 'In Camillus (says Dr. Arnold) we seem to lose the last relic of early Rome, the last hero whose glory belongs rather to romance than to history. But the fame of the stories connected with him proves the high estimation in which he was held when living.'(105)

§ 13 The Gallic invasion in 390 B.C. was the first of a series of conflicts in which the Romans were engaged with the Gauls; and which ended, not only in the entire subjugation of Cisalpine Gaul, but also in the reduction, by Cæsar, of Transalpine Gaul to the form of a Roman province. For a time, however, the memory of the rout at Allia, kept alive by a solemn anniversary, was fresh in the minds of the people:(106) the report of a Gallic

(104) Livy, vii. 1; Plut. Cam. 43; Zon. vii. 24. ad fin.

(105) Ib. p. 81. A singular story respecting Camillus is told in one of the fragments of Dio Cassius; viz., that a certain Februarius, being jealous of Camillus, accused him of an attempt to make himself king; that he was banished, assisted his countrymen during his exile, and was afterwards recalled, when Februarius was prosecuted and banished in his turn. Hence Camillus made the month which bore his name shorter than the others; Fragm. xxvii. It is repeated, with some expansion, in Suidas, in Φεβρουάριος and Βρῆννος, where Februarius is said to be of Gallic descent. The fullest version of it, however, is in Joannes Malalas, p. 183-7; cf. p. 544, ed. Bonn, who recites it from the work of Brunichius, a Roman chronologist. Compare also Cedrenus, vol. i. p. 263. In this version Mallio Capitolinus is substituted for Camillus. The story is a clumsy legend to explain the shortness of the month February, to which is added, in the later version, a custom of carrying about a figure covered with mats, and beating it, in this month. Brunichius, as Niebuhr, vol. ii. p. 615, has remarked, must be a Gothic name. Ovid makes no allusion to this legend, under the month February, in his Fasti, and probably had not heard of it.

(106) Livy says, of the Gallic inroad in 367 B.C., 'Ingentem Galli terrorem memoriâ pristinæ cladis attulerant;' vi. 42; cf. c. 28, 29. Livy says,

tumult, as it was called, of an inroad of wild and headlong barbarians, filled Rome with consternation; the immunity from military service which was accorded to persons charged with pontifical functions was suspended only in case of a Gallic war:(107) in repelling the Gauls, the Romans fought not for glory, but for existence.(108) We will now examine the accounts of Gallic invasions, which fall within the period of a hundred and ten years, comprised in this chapter.

According to Livy and Plutarch, the first irruption of the Gauls after the capture of the city took place in 367 B.C., twenty-three years after that event.(109) Camillus, though now nearly eighty years old, was appointed dictator: he gained a great victory over the Gauls, took their camp, and dispersed their army: the remnants of it chiefly escaped to Apulia. Livy and Dionysius(110) represent the Alban territory as the scene of this battle: whereas Plutarch places it on the Anio. Claudius Quadrigarius likewise, as we learn from Livy, described the Romans as having fought against the Gauls upon the Anio, in this year; and he referred to this occasion the single combat of T. Manlius and the Gaul, which most writers assigned to a later

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of the battle of Cannæ: 'Hæc est pugna Cannensis, Alliensi cladi nobilitate par;' xxii. 50. The great height of the Gauls, as compared with the Romans, is dwelt on by the ancient writers; Dion. Hal. xiv. 14, 18; Cæsar, B. G. ii. 30; Dio Cass. xxxviii. 47, 49. The large size of the Germans is also mentioned by Cæsar; ib. i. 39.

(107) Plut. Cam. 41. According to Cic. Phil. viii. 1, a *tumultus* was more dangerous than a war. Livy describes the impetuosity of the first onset of the Gauls: 'Gens ferox et ingenii avidi ad pugnam;' vii. 23; 'Prima eorum prœlia plus quam virorum, postrema minus quam feminarum esse;' x. 28.

(108) Per idem tempus adversum Gallos ab ducibus nostris Q. Cæpione et Cn. Manlio male pugnatum [105 B.C.], quo metu Italia omnis contremuerat. Illique et inde usque ad nostram memoriam Romani sic habuere, alia omnia virtuti suæ prona esse, cum Gallis pro salute non pro gloriâ certare; Sallust, Jug. 114. This remark is equally true of the previous time.

(109) Plutarch, Cam. 41, states that this battle was thirteen years after the capture of Rome. But he mentions the fifth dictatorship of Camillus (c. 40, agreeing with Livy, vi. 42, and Zon. vii. 24), and his great age: and from its place in his narrative, he appears to assign it to the same year as Livy. The number 13 instead of 23 is probably therefore an error of computation.

(110) xiv. 12—19.

date. This version is followed by Zonaras, who however places the battle in the Alban territory.(111) Plutarch describes Camillus as making certain changes in the armour of the Roman soldiers, for this particular occasion:(112) Dionysius however represents him as merely contrasting the Roman and Gallic arms, and pointing out to his soldiers the superiority of the former, without any allusion to a change.(113)

The next Gallic war is placed by Livy six years later, 361 B.C. Camillus was now dead, and T. Quinctius Pennus was appointed dictator.(114) The Gauls were stationed on the Salarian road, three miles from Rome, beyond the bridge over the Anio. At this bridge, the famous single combat between T. Manlius and the Gaul took place, which ended in the Roman being victorious, and spoiling his fallen enemy of his golden collar (torquis); whence he and his descendants bore the name of Torquatus. This event produced so great an effect upon the Gauls, that during the night, they removed hastily to Tibur, and thence to Campania.(115) In the following year, however, they returned to the neighbourhood of Tibur, and a battle was

(111) Zon. vii. 24. (112) Plut. Cam. 40.

(113) Dion. Hal. xiv. 13. Appian, H. R. iii. 1, briefly alludes to this expedition, and says that the Gauls were defeated by Camillus.

(114) Livy states that, according to Licinius Macer, T. Quinctius was appointed dictator only in order to hold the comitia: he thinks it however more probable that the dictator was appointed for the Gallic war. The hesitation of his language, however, and his recourse to indirect argument, on a point which must have been well known at the time, are remarkable: 'Dictatorem T. Quinctium Pennum eo anno fuisse *satis constat*, et magistrum equitum Ser. Cornelium Maluginensem. Macer Licinius comitiorum habendorum causâ, et ab Licinio consule dictum scribit, quia, collegâ comitia bello præferre festinante, ut continuaret consulatum, obviam eundum pravæ cupiditati fuerit. Quæsita ea propriæ familiæ laus leviorem auctorem Licinium facit; quum mentionem ejus rei in vetustioribus annalibus nullam inveniam, magis ut belli Gallici causâ dictatorem creatum arbitrer inclinat animus;' vii. 9.

(115) Livy, vii. 9-12; Florus, i. 13, § 20; Eutrop. ii. 4; Dio Cass. Fragm. xxxi., who says that Manlius fought with the Gaulish king; Zon. vii. 24; Suidas, in Τορκουᾶτος; Claudius Quadrigarius ap. Gell. ix. 13, § 6. The passage in Suidas appears to be taken from a Greek paraphrase of Eutropius; but it calls the Gaul a king; which circumstance is not in the original. Appian, H. R. iii. 1, says that the third expedition of the Gauls was destroyed by the Romans under T. Quinctius. Cic. de Off. iii. 31, and Servius, Æn. vi. 825, state that the battle between T. Manlius and the Gaul took place on the Anio.

fought, under the walls of Rome, near the Colline gate. In this conflict the Gauls were defeated; and they afterwards took refuge in Tibur.(116) They did not however leave the neighbourhood; for in 358 B.C. they advanced to Præneste, and stationed themselves near Pedum. Here C. Sulpicius, appointed dictator, took the field against them; and by means of a cautious policy (which almost caused a mutiny in his army), and a stratagem for augmenting the apparent number of his cavalry, he gained a great victory over them; and he dedicated in the Capitol a large quantity of gold taken from the Gallic spoils.(117)

After a further interval of eight years, the Gauls again appeared near Rome, and were defeated by the consul M. Popillius Lænas, in the Latin territory (350 B.C.). They retreated to the Alban hills, whence however they were driven by the cold of the winter; they then descended upon the plain, and ravaged the coast-region.(118) In the following year they were attacked by L. Camillus, the consul, and routed. The remains of the Gaulish army were scattered over the Volscian and Falernian country, and afterwards advanced to Apulia and the southern extremity of Italy. This battle likewise was distinguished by a single combat between M. Valerius and a Gaul, which was decided in favour of the Roman by an extraordinary occurrence. A raven settled on his helmet, and when the two combatants were at close quarters, pecked the eyes of the Gaul, and beat its wings in his face. From this circumstance, Valerius assumed the cognomen of Corvus, or Corvinus, which probably

(116) Livy, vii. 11. When the Latins were punished for their defection, in 338 B.C., Livy says: 'Tiburtes Prænestinique agro multati, neque ob recens tantum rebellionis, commune cum aliis Latinis, crimen; sed quod, tædio imperii Romani, cum Gallis, gente efferatâ, arma quondam consociassent;' viii. 14.

(117) Livy, vii. 12-15. He says, c. 15: 'Nec alius post M. Furium, quam C. Sulpicius, justiorem de Gallis egit triumphum; auri quoque ex Gallicis spoliis satis magnum pondus, saxo quadrato septum, in Capitolio sacravit.' Appian, H. R. iii. 1, mentions this expedition, which he states to have been of the Boii—and he says that the Gauls were defeated by a stratagem of C. Sulpicius—but the stratagem which he describes is quite different from that described by Livy.

(118) Livy, vii. 23-5.

passed to his descendants.(119) A statue of Valerius Corvus, with a raven on his head, in allusion to this event, was erected in the forum by Augustus.(120)

No further mention of the Gauls occurs for the next fifty years: in 299 B.C. we hear that a large army of Gauls invaded Etruria, but were induced, by the payment of a sum of money, to desist from hostilities against the Etruscans, and to join with them in attacking Rome. When however the Etruscans were ready to march, the Gauls refused to fulfil their engagement, and asserted that the money was the price of their abstinence from ravaging Etruria. They required, as a remuneration for their services against Rome, a cession of Etruscan territory. But the Etruscans, afraid of admitting so savage a race as close neighbours, refused to make this arrangement.(121) A few years afterwards, we find the Gauls joining a formidable confederacy of Etruscans, Umbrians, and Samnites against Rome.(122) In 295 B.C. the second legion, left by C. Fabius, the consul, at Clusium, is said to have been cut off by the Gauls to a man. Another account stated that this legion was attacked by the Umbrians, not by the Gauls, and that a temporary loss was recovered by a subsequent victory.(123) In the great battle of Sentinum, in the same year, the Gauls were one of the four

(119) Livy, vii. 25-6; Dion. Hal. xv. 1-2; Florus, i. 13, § 20; Victor, de Vir. Ill. c. 29; Dio Cass. fragm. xxxiv.; Zon. vii. 25; Propert. iv. 11, 64; Eutrop. ii. 6, with the Greek version of the passage, probably derived from Joannes Antiochenus, cited by Suidas, in Κελτοί and ἀμύσσειν, where the bird is described as sitting on the right arm of Valerius. Compare Fragm. Hist. Gr. vol. iv. p. 557. Dionysius says that the fight was with a Gaulish king, who challenged the Romans to single combat. A full account of this combat, as explanatory of the name Corvinus, is given by Gellius, ix. 11. He prefaces it by saying: 'Ea res, prorsus admiranda, sic profecto est in libris annalibus memorata.' His account describes both the consuls, L. Furius and Appius Claudius, as present at the battle: whereas according to Livy, Appius had died before the battle. He states that the event happened in 405 U.C., which agrees with Livy's chronology, within one year: see Livy, vii. 18. Appian, H. R. iv. 1, mentions the defeats by Popillius Lænas and L. Camillus, but without giving any particulars.

(120) Gellius, ib. Dionysius, xv. 2, states that Valerius always wore a raven on his helmet, and that he was represented with this emblem in all his statues and portraits.

(121) Livy, x. 10. (122) Ib. x. 18, 21. (123) Livy, x. 25-6.

nations opposed to the Romans, and it was in their part of the host that the younger Decius devoted himself to death.(124)

Such is an outline of the Gallic wars of this period, as related by Livy and other historians. An account of them, differing both as to their history and chronology, is given by Polybius. Starting from the capture of Rome, he states that during thirty years the Gauls in the valley of the Po were occupied with incursions from their countrymen to the north of the Alps, but that at the end of that time (360 B.C.) (125) they appeared at Alba with a large army. The Romans, having no warning of their approach, were not able to collect their allies, and made no attempt to attack them. In a subsequent expedition, however, twelve years afterwards (348 B.C.), the Romans were prepared, and went out with their allies to meet them. The Gauls, alarmed at the sight of the Roman forces, and quarrelling among themselves, decamped at night, and made a disorderly retreat to their own territory. They now remained quiet for thirteen years, and at the end of this time entered into a treaty of peace with the Romans (335 B.C.), which they observed for thirty years.(126) Being then (305 B.C.) pressed by fresh incursions of Transalpine Gauls, they succeeded, partly by persuasion, and partly by bribes, in inducing their countrymen to turn their arms against the Romans. They themselves took part in this expedition, and the combined Gauls were joined by the Etruscans. Much booty was collected from the Roman territory, with which the Gauls returned in safety, but they quarrelled about its division, and the dispute ended in the destruction of a large part both of the plunder and the army.(127)

(124) Ib. c. 27-9.

(125) In calculating the dates from the narrative of Polybius, I have taken 390 B.C. for the capture of Rome, for the sake of uniformity. Polybius himself however placed it in 387 B.C., the year of the peace of Antalcidas; i. 6.

(126) Niebuhr, Hist. vol. iii. p. 172, considers the account given by Polybius of this peace with the Gauls, though inconsistent with Livy's narrative, as historically correct. Compare Arnold, vol. ii. p. 182.

(127) Niebuhr thinks that this account is older and far more trustworthy than that of the annalists followed by Livy, Hist. vol. iii. p. 288. Dr. Arnold likewise says: 'There can be no doubt that Polybius has preserved the true version of these events;' Hist. vol. ii. p. 320.

Four years later (301 B.C.) the Samnites and Gauls fought a battle with the Romans in the Camertian district, and made a great slaughter; but the Romans in a few days repaired this loss near Sentinum, by destroying the chief part of both armies, and driving the remainder back to their own countries. After a further interval of ten years (291 B.C.), the Romans conquered the Senonese Gauls, and sent a colony to Sena, in Cisalpine Gaul.(128)

Now on comparing the account of Polybius with that of Livy and the other historians, it is difficult to discover any points of coincidence between them, or to believe that they relate to the same subject.(129) Livy places the first irruption of the Gauls twenty-three years after the capture of Rome; and he states that Claudius Quadrigarius and most of the previous historians were agreed as to this year.(130) He likewise states that Camillus was appointed dictator, and gained a victory over them. His statement as to Camillus is confirmed by Dionysius, Appian, Plutarch, and Zonaras. Plutarch even describes a change in the Roman armour, which Camillus made expressly for this occasion. Polybius however places the first Gallic inroad thirty years after the capture of the city: a date which not only differs from that of Livy, but is inconsistent with the statement that the victory was gained by Camillus as dictator: for the death of Camillus took place twenty-five years after the capture of the city,(131) five years before the date fixed by Polybius. There is

(128) Polyb. ii. 18-19.

(129) Niebuhr remarks of this period, that 'one can hardly persuade oneself that the narrative of Polybius and that of the Roman historian record the events of the same war;' Hist. vol. iii. p. 75.

(130) vi. 42.

(131) "Par deinde per quinque et viginti annos (tot enim postea vixit) titulo tantæ gloriæ fuit; Livy, vii. 1. Niebuhr, Hist. vol. ii. p. 595, prefers the account of Polybius, and rejects the Gallic invasion of 367 B.C. as a fiction: 'Here again (he says) tradition has intruded into history, with the fables and fictions, nay the deliberate falsehoods, in which the foolish vanity of after-ages loved to dress it up.' Compare Lect. vol. i. p. 293. Dr. Arnold agrees in rejecting this expedition. He says that 'it seems to be merely a fabrication of the memorials of the house of the Furii, the last which occurs in the story of Camillus, and not the least scrupulous' [qu. unscrupulous?] vol. ii. p. 58.

this further difference, that whereas, according to Livy and the others, the Gauls were defeated in the first expedition, Polybius states that the Romans did not even venture to meet them. The second expedition of Polybius, placed by him in 348 B.C., appears to correspond to the expedition which in Livy occupies the years 361—358 B.C. The sudden flight of the Gauls during the night, described by Polybius, agrees pretty closely with the flight after the single combat of Manlius, in Livy.(132) The latter historian however describes other victories over the Gauls at this time, which are inconsistent with the account of Polybius. The expedition of 350-49 B.C., in which the Gauls are defeated, first by Popillius Lænas, and afterwards by L. Camillus, is altogether wanting in Polybius: although Niebuhr believes this victory of L. Camillus to have been so important that the fame of it reached Greece, and induced Aristotle to call L. Camillus, and not his father, the saviour of Rome.(133) Livy knows nothing of the treaty with the Gauls, which Polybius places in 335 B.C.: but the plundering expedition, which Polybius refers to 305 B.C., appears to correspond with the incursion into Etruria described by Livy under 299 B.C. In both accounts there is a mention of bribes paid to the Gauls: but Livy represents the Gauls as never crossing the Roman frontier. The identity of the remaining events is recognisable in the two historians. The battle in the Camertian country with the Samnites and Gauls, in which the Romans suffered great loss, according to Polybius, is clearly the counterpart of the destruction of the second legion by the Gauls near Clusium, according to Livy; for the ancient name of Clusium was Camers;(134) and the same battle of Sentinum is meant by both authors, though Polybius does not make the

(132) Compare Polyb. ii. 18, with Livy, vii. 11. Polybius however says that they returned to their own country, whereas Livy states that they went first to Tibur and afterwards to Campania.

(133) Hist. vol. iii. p. 80. He is followed by Dr. Arnold, vol. ii. p. 58, 86. See above, p. 353, n. 185.

(134) Clusium, quod Camers olim appellabant; Livy, x. 25. ἐν τῇ Καμερτίων χώρᾳ, Polyb. ii. 19. See the art. Camerinum, in Smith's Dict. of Gr. and Rom. Geog.

Etruscans and Umbrians parties, to it. The defeat of the Senonese Gauls and the colony to Sena were likewise mentioned by Livy in his eleventh and twelfth lost books.(135)

The two stories of Manlius and Valerius are not mentioned by Polybius: but they were doubtless to be found in the works of Roman historians, who were at least as early as Polybius. The account of the single combat with Manlius contains nothing marvellous: the size of the Gallic champion, though large, is not gigantic; and the victory is the result of superior skill.(136) The story however is unfixed, it is referred to different years; and it seems to be a legend devised as an explanation of the name Torquatus, as the single combat of Valerius is clearly a legend explanatory of his name Corvus. The raven settling on his helmet, and pecking the eyes of his Gaulish enemy, is a supernatural incident, which renders the story incredible.(137)

The birth of Polybius falls about 204 B.C.,(138) and therefore the composition of his history could not have been much less than two centuries after the early expeditions of the Gauls against Rome. There were no Roman historians contemporary with this period, and we have no means of determining whether his

(135) According to Livy these events occurred between 287 and 282 B.C. Polybius assigns them to 291 B.C. Polybius places the colony after the conquest: Livy seems to have placed the conquest after the colony. Beaufort, Diss. p. 298, reads *Senonibus* for *Samnitibus*, in Liv. Epit. xi. The MSS. vary. *Samnitibus* may however be the right reading, as Curius Dentatus is stated by Eutropius to have defeated the Samnites during his consulship. Compare Appian, Samn. 6, Celt. 11; Orosius, iii. 22; and Niebuhr, Hist. vol. iii. p. 427.

(136) Armatum adornatumque adversus Gallum stolide lætum, et (quoniam id quoque memoriâ dignum antiquis visum est) linguam etiam ab irrisu exserentem, producunt; Livy, vii. 10. This circumstance appears to be taken from the account of Claudius Quadrigarius: 'Deinde Gallus irridere cœpit, atque linguam exertare;' Gell. ix. 13.

(137) Niebuhr thinks that both these stories were derived from 'heroic lays;' Hist. vol. iii. p. 77, 80; and he discovers a rhythmical cadence in the prayer of Valerius, in the text of Livy; ib. n. 147. His account of the champion killed by Manlius, as being of gigantic size, is not however supported by Livy. These stories are also considered fabulous by Dr. Arnold; vol. ii. p. 87. The Fury who is sent down by Jupiter, and who, under the form of an owl, flits before the face of Turnus, and beats his shield with her wings, is merely a monitory omen: whereas the raven of Valerius Corvus is an active ally. See Æn. xii. 865, 876.

(138) See above, vol. i. p. 32.

account is preferable to that of Livy and the other authorities. The two accounts are irreconcilable, and cannot both be true. Niebuhr appears to consider the outline of Livy's account as the more credible; but if we are to prefer Livy to Polybius as an authority for the Gaulish expeditions in the first half century after the capture of the city, there is no reason why we should not give him a similar preference for the capture of the city itself: and yet Niebuhr rejects Livy's account of this event, and adopts that of Polybius.(139)

§ 14 Livy states that in the year 349 B.C. a fleet of Greek pirates appeared off the Latin coast and the mouth of the Tiber; they had here a casual conflict with the Gauls, who were scattered over this region. They were in the next year kept in check by L. Camillus, who, by preventing them from landing to obtain water and other necessaries, drove them from the coast. It is uncertain, Livy adds, to what state or country this fleet belonged: he himself suspected it to be Sicilian, as the Greek mother-country was occupied by the Macedonian war.(140) This account bears internal evidence of authenticity, as an inventor would probably have been more specific. If it be true, it seems to show that there was little intercourse at this time between Greece and Rome; for if intelligence had been regularly con-

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(139) Niebuhr, in speaking of Livy's account of the first inroads of the Gauls, after 390 B.C., says: 'The narrative, *clearly distinguished from the legends connected with it*, though it may also be embellished, is in substance altogether of the same kind as the other parts of the history, with which it is interwoven, *and which are worthy of all belief*. The unconditional confidence, which is due to Polybius in the times near his own, cannot be extended to so early a period, respecting which he could only seek for information in *the annals*(?);' Hist. vol. iii. p. 76. Dr. Arnold likewise says: 'We should be glad to know from what source Polybius derived his knowledge of these events;' vol. ii. p. 86. Lower down, however, he remarks, with reference to the story of Valerius Corvus: 'As in this instance the time, place, circumstances, and issue of the poetical battle, bear no resemblance to those of the real one, so also the poetical or romance accounts of these last Gaulish invasions retain scarcely a feature *of that simple and real history of them which has been preserved to us by Polybius*;' ib. p. 88. Here Dr. Arnold assumes, contrary to the opinion of Niebuhr, that the true account is in Polybius.

(140) Livy, vii. 25-6. Niebuhr's conjecture with respect to this fleet is in Hist. vol. iii. p. 85.

veyed, and communication was frequent, the origin of a fleet which appears to have remained some time off the south-western coast of Italy, could not have continued uncertain.(141)

Livy likewise mentions a treaty having been made at Rome with Carthaginian envoys in 348 B.C., and a golden crown having been sent to Rome by Carthage, as a gratulatory present on account of the recent victories over the Samnites, in 343 B.C.(142) He further speaks of a treaty having been renewed for the third time with Carthage in 306 B.C.(143) These notices do not accord with the detailed account of the earliest treaties between Rome and Carthage, given by Polybius.(144)

§ 15 Some notices of prodigies, and religious ceremonies for their expiation, which occur in this period, deserve attention, as they are likely to have been recorded by cotemporary annalists. Scenic games, which at first consisted only of music and dancing, and were destitute of any dramatic element, are related to have been first introduced among the expiatory rites for the pestilence of 365 B.C.(145) This celebration however was not deemed acceptable to the gods; for while the games were in progress, the circus was inundated by the Tiber. Another atonement was therefore sought for; and it was remembered by some aged persons, that a pestilence had once been stopped by the ceremony of the dictator driving a nail into a temple. According to Livy, this custom had originally been intended to mark the year, at a time when writing was rarely practised: it had however now become a mere form, which had only a religious meaning.(146) In a later year (331 B.C.) this ceremony was repeated, as a purification for the poisonings of the matrons: the

(141) See above, vol. i. p. 63.

(142) Livy, vii. 27, 38; cf. ix. 43. It is stated by Diod. xvi. 69, that in the consulship of Valerius and Popillius (348 B.C.) the Romans first made a treaty with the Carthaginians. This agrees with the notice in Livy; but is quite inconsistent with the detailed account of Polybius.

(143) ix. 43.

(144) See Niebuhr, Hist. vol. iii. p. 86.

(145) Livy, vii. 2.

(146) vii. 3. The connexion of ideas in this passage is extremely obscure. See above, vol. i. p. 176.

precedent then followed is reported to have been found in historical records, and to have been the driving of a nail in a secession of the plebs.(147)

Shortly afterwards (362 B.C.) the chasm in the forum, which could not be filled until M. Curtius leaped into it on horseback, is said to have occurred; and the Lacus Curtius, a reservoir of water in the forum, marked the place of this event. The prevailing belief deduced the origin of the name from this story; but another legend traced it to Mettus Curtius, a soldier of Titus Tatius, who was here swallowed up in a swamp.(148)

Under the year 345 B.C., it is related that L. Furius, the dictator, in a battle against the Aurunci vowed a temple to Juno Moneta; after he had returned victorious to Rome, the Senate appointed decemvirs to build the temple, and assigned for it the site of the house of Manlius, on the Capitol.(149) The temple was dedicated in the following year; and its dedication is stated to have been immediately followed by a prodigy, similar to that which had occurred in the Alban mount, in the reign of Tullus Hostilius: stones fell from the sky, and there was darkness during the day. The Sibylline books were inspected, a dictator was appointed for the celebration of proper holidays, and supplications were directed, not only for the Roman tribes, but also for the neighbouring communities.(150)

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(147) Livy, viii. 18.

(148) Livy, i. 13, vii. 6; Dion. Hal. ii. 42, xiv. 10-1; Dio Cass. fragm. xxx. 1. Zon. vii. 25, who tells the story at length, and adds: *ταῦθ' οὕτω τοῖς Ῥωμαίοις ἱστόρηται· εἰ δέ τῳ μυθώδη κριθείη καὶ μὴ πιστά, ἔξεστίν οἱ μὴ προσέχειν αὐτοῖς.* Prop. iv. 11, 61; Val. Max. v. 6, 2; Festus, in Curti lacum, p. 49; Plin. N. H. xv. 20. Varro, L. L. v. § 148-50, mentions both stories, and adds a third, that the place had been struck by lightning, and that it was built round by the consul Curtius in 445 B.C. See Arnold, vol. ii. p. 80-1; above, vol. i. p. 426, n. 60; Schwegler, vol. i. n. 463, 484. The name is mentioned by Tacitus, Hist. i. 41. The lacus Curtius contained water; Suet. Oct. 57.

(149) Manlius was condemned in 384 B.C., and therefore the area had remained vacant for thirty-nine years.

(150) Livy, vii. 28. Concerning the shower of stones on the Alban hill, see above, vol. i. p. 164, n. 106.

PART II.—FROM THE BEGINNING OF THE SAMNITE WARS TO THE LANDING OF PYRRHUS.

(343—281 B.C.)

§ 16 WE now arrive at the commencement of the Samnite wars, which, with their direct and indirect consequences, nearly fill up the entire interval of sixty-two years until the landing of Pyrrhus in Italy.(1) The origin of the First Samnite War, in the year 343 B.C.,(2) is described by Livy in a perspicuous and coherent narrative.

The Samnites, who occupied the midland region of Southern Italy, had attacked the Sidicines, a less powerful community, who dwelt to the north of Campania, on the confines of Latium.(3) The Sidicines obtain the assistance of the Campanians; but the latter find that they are not only unable to protect their weaker ally, but even to defend themselves against the brave and hardy Samnites. Besieged in Capua, and pressed by the persevering vigour of their assailants, they send ambassadors to the Roman Senate to implore assistance. The Senate give them an audience, but refuse their application, on the ground that there is a subsisting treaty with the Samnites, and that Rome cannot assist the Campanians against them without a breach of faith. Upon this, the leader of the embassy, following the instructions given him in contemplation of a refusal, makes a formal surrender of the Campanian people, the city of Capua, the territory, the temples of the gods, and everything

(1) Majora jam hinc bella et viribus hostium, et longinquitate vel regionum, vel temporum spatio, quibus bellatum est, dicentur: namque eo anno adversus Samnites, gentem opibus armisque validam, mota arma. Samnitium bellum, ancipiti Marte gestum, Pyrrhus hostis, Pyrrhum Pœni secuti; Livy, vii. 29.

(2) In this year the final expulsion of Dionysius the younger by Timoleon likewise took place.

(3) Teanum, the chief place of the Sidicines, is described by Strabo as the largest of the Campanian towns upon the Latin frontier: *μεγίστη οὖσα τῶν ἐπὶ τῇ Λατίνῃ πόλεων*, v. 3, § 9. Niebuhr overstrains the testimony of Strabo in saying that he represents Teanum as 'great even among the largest cities of Italy;' Hist. vol. iii. p. 112.

divine and human in their power, to the Romans. The Senate are moved by this decisive mark of desperate helplessness, in a people once so potent and renowned;(4) and think that the cession alters the complexion of the case; that it cancels the obligation of their treaty with the Samnites, and raises an obligation to protect a subject community, now engrafted into their empire. The surrender is accepted; ambassadors are sent to the Samnites to announce the fact, and to call upon them as allies of the Romans to spare the Campanians, who have become Roman subjects by surrender.(5) If the Samnites refused to listen to this appeal, the ambassadors were to warn them, on behalf of the Roman Senate and people, not to violate the Campanian territory.

This message gave such offence to the Samnite council, that they not only refused to comply with the demand of the Romans, but even issued instant orders for plundering parties to enter the Campanian country.(6) The Romans, on their part, after having sent feciales to demand redress, declared war against the Samnites in the most solemn manner; and sent the two consuls, Valerius Corvinus and Cornelius Cossus, each with an army, the one to Campania, the other to Samnium. The former, a member of the celebrated Valerian family, and now distinguished by the name which he owed to his single combat with the Gaul—a general of popular manners, beloved by the soldiers—defeated the Samnites in a severe and hard fought

(4) According to Livy, iv. 37, the Campanians took Capua from the Etruscans in 423 B.C., so that they had now held it for eighty years. Niebuhr, Hist. vol. iii. p. 110, thinks that Capua was at this time not inferior to Rome either in size or population, and, p. 107, that the Samnites were in extent of territory and population far superior to Rome and her allies. The Romans were said to have derived most of their arms from the Samnites; Sallust, Cat. 51. Itanus the Samnite was the inventor of the *θυρεὸς*, or scutum, the oblong shield; according to the authors cited by Clem. Alex. Strom. i. § 75. See Fragm. Hist. Gr. vol. iv. p. 490. The Samnites are likewise described as the inventors of the scutum, in Athen. vi. p. 273, F. Plutarch on the other hand, states that Romulus adopted the scutum from the Sabines, in the place of the round Argolic shield, previously used by the Romans; Rom. 21. See Marquardt, iii. 2, p. 241.

(5) *Dediticii*—which, according to the analogy of our legal language, may be translated *surrenderees*.

(6) Livy, vii. 29-31.

battle under Mount Gaurus, close to Cumæ.(7) The other consul, Cossus, in marching from Saticula into Samnium, involved his army in a wooded defile between hills, and was saved only by the presence of mind and courage of P. Decius, a military tribune.(8) An unexpected attack was afterwards made upon the Samnites, of whom the Romans are stated to have slain 30,000 men. A third battle was fought by Valerius at Suessula, to the south-east of Capua, against the army which he had previously defeated, but which had now received reinforcements. In this encounter he again gained a great success: for he stormed their camp, dispersed their army, and took 40,000 shields, and 170 standards. The result of the first campaign against the Samnites was therefore eminently favourable to the Romans.

§ 17 For the origin of the First Samnite War, and its events, we have only the narrative of Livy. There is no extant fragment of Dionysius or Dio Cassius for this portion of the history: Diodorus, Eutropius, and Zonaras are silent respecting it; Florus despatches it with a brief notice.(9) Livy's account

(7) Ib. 32-3. In the description of this battle, Livy says: 'Tum primum referri pedem atque inclinari rem in fugam apparuit; tum capi, occidi Samnis: nec superfuissent multi, ni nox victoriam magis quam prœlium diremisset.' Niebuhr, Hist. vol. iii. p. 120, wishes to read, 'Tum capi, *non* occidi Samnis.' There is no reason for supposing that the Romans were disposed to spare the Samnites on this occasion, and the insertion of the negative particle would be inconsistent with what follows as to the darkness arresting the slaughter of the fugitives. The saying of the Samnites in Livy, 'Oculos sibi Romanorum ardere visos,' is transferred by Florus, i. 16, § 12, to another battle after the Caudine disaster.

(8) This exploit of P. Decius Mus is likewise mentioned by Victor de Vir. Ill. 26, where it is placed in the defiles of Mount Gaurus, by a confusion with the army of Valerius. A dream of P. Decius, in connexion with this exploit, was (as we learn from Cicero) mentioned by the early historians, but it is not noticed by Livy. 'At vero P. Decius ille, Q. F. qui primus e Deciis consul fuit, cum esset tribunus militum M. Valerio, A. Cornelio consulibus, a Samnitibusque premeretur noster exercitus, cum pericula prœliorum iniret audacius, monereturque ut cautior esset, dixit, *quod extat in annalibus;* sibi in somnis visum esse, cum in mediis hostibus versaretur, occidere cum maximâ gloriâ. Et tum quidem incolumis exercitum obsidione liberavit. Post triennium autem, cum consul esset, devovit se. Cic. de Div. i. 24. Cicero agrees with Livy as to the time, for Livy interposes two years between the battle of the Gaurus and the battle of Veseris.

(9) Precibus deinde Campaniæ motus, non pro se, sed, quod speciosius, pro sociis Samnitas invadit. Erat fœdus cum utrisque percussum, sed hoc

contains nothing improbable; the conduct of the Romans, who respected their treaty with the Samnites, until the Campanians made a formal cession of their territory, is natural and intelligible, however little it may consist with the modern law of nations:(10) and the military successes of the Romans in the campaign, though rapid and decisive, are not incredible, and they agree with the subsequent history. On the other hand, we are ignorant of the sources from which the detailed narrative of Livy could have been derived, and only know that it was not taken from any native contemporary historian. Another century must still elapse before we reach the birth of the earliest native author of Roman history. We are not therefore in a condition to criticize the details of Livy's narrative, or to prefer one part of it to another. Niebuhr however reforms the story, in several material points, according to his own views of internal probability. Thus he holds that the treaty of the Samnites was made not only with Rome, but also with the Latins, as a separate contracting party:(11) that the Romans did not at first refuse the application of the Campanians for assistance, and that the latter did not surrender themselves to Rome:(12) that the Roman

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Campani sanctius et prius omnium suorum deditione fecerant. Sic ergo Romanus bellum Samniticum tanquam sibi gessit; i. 16. Livy's narrative implies that there was no treaty between the Romans and the Campanians; the statement of Florus is probably the result of carelessness.

(10) It was not obligatory on the Romans, even upon their own principles, to accept the surrender of the Campanians: they subsequently refused to accept that of the Sidicines, as made too late, and wrung from them by extreme necessity; Livy, viii. 2.

(11) Hist. vol. iii. p. 115. In his Lectures he says: 'Under these circumstances, the Campanians applied to Rome, or probably to the diet of the Romans, Latins, and Hernicans. *This is evident from statements derived from L. Cincius;* in Livy we perceive the intentional obscurity of the Roman tradition about it;' vol. i. p. 307. The meaning of the allusion to Cincius does not appear.

(12) Ib. p. 116. Niebuhr's reasons for rejecting the account of the Campanian surrender are first, because if they had been subjects, they would have been punished more severely for their defection after the Latin war. Secondly, because the Romans would not have granted an equal treaty to dediticii. With regard to the first reason, it may be observed that the Romans are described, after the revolt of the Campanians, as calling them subjects by title of surrender; Livy, viii. 2; and that the same punishment, viz., the loss of territory, is inflicted on the Campanians as on the Latins, ib. c. 11. With regard to the second reason, it is to be

Senate sent an embassy to the Samnites not of their own independent authority, but because Rome, and not Latium, had the presidency in that year:(13) that the consul Valerius was driven to Mount Gaurus by previous defeats and reverses, which have been suppressed, or at least left unrecorded, by the Roman historians;(14) and that both consular armies took part in the battle of Suessula.(15) These emendations of Livy's version of the events rest upon mere conjecture: and where our knowledge of the origin of the extant account is so slight, all conjecture is perilous.(16)

noted that Livy, xxiii. 5, represents the consul in 216 B.C., as distinctly reminding the Campanians that, although they had surrendered their country to the Romans, they had received an equal treaty, and were permitted to retain the use of their own laws. Dr. Arnold agrees with Niebuhr in rejecting Livy's account of the Campanian surrender. 'Every step in the Samnite and Latin wars (he says) has been so disguised by the Roman *annalists* (?) that a probable narrative of these events can only be given by a free correction of *their* falsifications;' vol. ii. p. 112.

(13) Hist. ib. p. 118.

(14) Ib. p. 119. In Lect. vol. i. p. 309, it is said: 'The Romans must have been pressed by the Samnites into that corner, and having the sea and the Vulturnus in their rear, their victory would have been the result of despair. This would clearly show that at first the Romans sustained losses which are passed over by Livy, or the *annalists* (?) whom he followed; but at all events the battle restored the balance. It was obviously the greatest of all that had yet been fought by the Romans; for though previous battles may have been bloody, yet they were not carried on with perseverance.'

(15) Hist. ib. p. 122. In the Lectures, ib. p. 310, the battle of Suessula is represented as taking place a few days after the battle of the Gaurus. The Samnites are supposed to make a fresh stand at a distance of a few miles. But this is not consistent with Livy's account, who separates the two battles, and supposes that the Samnite army received reinforcements in the interval; vii. 37. The account of the seizure of the height by which Decius saved the army of Cossus, given by Livy, vii. 34-6, is not very intelligible, but the version of Niebuhr cannot be reconciled with it; Hist. p. 121.

(16) The extant account of the first Samnite war is thus characterized by Dr. Arnold: 'The Roman consuls in this year were M. Valerius Corvus and A. Cornelius Cossus. Valerius is the hero of that famous legend already related, which told how he had vanquished in his early youth a gigantic Gaul by the aid of a heaven-sent crow. The acts of his consulship have been disguised by a far worse spirit: they were preserved, not by any regular historian, but in the mere funeral orations and traditional stories of his own family; and were at last still further corrupted by the flattery of a client of his house, the falsest of all the Roman writers, Valerius of Antium. Hence we have no real military history of the Samnite war in this first campaign, but accounts of the worthy deeds of two famous Romans, M. Valerius Corvus, and P. Decius

§ 18. In compliance with the wishes of the Campanians, the Roman troops occupied Capua and the Campanian territory during the winter, in order to protect the country against the incursions of the Samnites. During this occupation, a design was formed in the Roman army to massacre the people, and to take possession of the city; so as to practise upon them a treachery similar to that which they had practised upon the Etruscans, the previous masters of Capua.(17) C. Marcius Rutilus, the new consul, who had charge of Campania, received information of the plot, and contrived to frustrate it by leading the army to believe that the occupation was to last for another year, and by sending home, on various pretexts, the chief leaders and promoters of the design. By degrees, however, the conspirators perceived that they were singled out, and therefore that their plans must be known to the consul; for this reason, they feared to place themselves in the power of the Senate, and one cohort, on its way to Rome, mutinied near Anxur, where it was soon joined by a large body of other soldiers in a similar situation.(18) They plundered the country on their road, and

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Mus. They are the heroes of the two stories, and there is evidently no other object in either of them, but to set off their glory. It seems to me a great mistake to regard such mere panegyric as history;' Hist. vol. ii. p. 112. It will be observed that the funeral orations and the traditions of the Valerian family here alluded to, rest exclusively on the hypothesis of Dr. Arnold, as well as the additional corruptions of Valerius Antias. There is no valid ground for supposing that Valerius Antias was a client; see Suet. de Clar. Rhet. c. 3. Compare Niebuhr, ib. p. 124, who remarks, Lect. vol. i. p. 308, that 'this Samnite war is the first in Roman history that is worthy of being related.'

(17) This treachery is thus described by Livy: 'Cepere autem, prius bello fatigatis Etruscis, in societatem urbis agrorumque accepti: deinde festo die graves somno epulisque incolas veteres novi coloni nocturnâ cæde adorti;' iv. 37. The circumstances of the two cases, as regards the relations of the two parties, are very similar. A similar account of the designs of the Romans is given by Appian, ib. *τέλος δὲ ἐπεβούλευον τοὺς ξένους ἑαυτῶν ἀνελόντες ἕκαστοι τὴν περιουσίαν κατασχεῖν καὶ τὰς γυναῖκας ἐς γάμον προσαγάγεσθαι.* The Campanian mercenaries in the service of Agathocles obtained possession of Messena in a similar manner: having entered the town as friends, they killed the men, took their wives and children, and divided the land and the moveable property; Polyb. i. 7.

(18) Niebuhr, Hist. vol. iii. p. 64; Lect. vol. i. p. 314, thinks it incredible that the consul should have sent back an entire cohort to Rome. It is however impossible for us, with our imperfect knowledge, to know what were the consul's motives for sending back particular divisions of his army to Rome.

having pitched their camp under the Alban hill, they heard that T. Quinctius was residing in the Tusculan district, cultivating his own farm.(19) It is stated that he chose this retired life because his military career had been cut short by lameness, owing to a wound in the foot. Being in want of a general, they placed him at their head, threatening him with death if he did not undertake the office. At the eighth milestone they were met by Valerius Corvus, who had been appointed dictator for the emergency, at the head of a military force. Here an amicable colloquy took place, and it was arranged that the mutineers should return peaceably to their allegiance, with a complete amnesty for their conduct. A law was likewise passed that the name of an enrolled soldier should not in future be struck out without his consent, and that no one should be a centurion who had previously been a military tribune; the latter measure being directed against a certain P. Salonius, who had opposed the design of the soldiers with respect to Capua. Livy adds that, according to some accounts, laws were passed prohibiting all interest upon money: also providing that no one should hold the same magistracy more than once in ten years, or hold two magistracies in one year, and that both consuls might be plebeians.(20)

Appian, whose account of the origin of the mutiny, and the march of the mutineers to Rome, nearly agrees with that of Livy,(21) differs entirely in his account of the terms which they

(19) This must be T. Quinctius Pennus Capitolinus, dictator in 361, and consul in 354 and 351 B.C. Ten years had elapsed since his last consulship.

(20) If Livy's account of the Licinian rogations is correct, the law already permitted both consuls to be plebeians, though it did not permit them both to be patricians. See above, p. 392. Both consuls were not plebeian until 172 B.C. The election of Marcellus in 215 B.C. was invalid. See Becker, ii. 2, p. 104.

(21) See Samn. 1. The consul who succeeds to the charge of Campania is called Μάμερκος, which is probably an error for Μάρκιος. The mutineers are represented as τοὺς ἐπὶ τῶν ἔργων ἐν τοῖς ἀγροῖς δεδεμένους ἐκλύσαντες, by which is meant that they released the slaves who worked in the fields in fetters; there is no reason for supposing, with Niebuhr, Hist. vol. iii. p. 68, and Dr. Arnold, ib. p. 120, that 'debtors working as slaves

obtained; for he states that a general remission of debts took place:(22) which seems to be another version of the prohibition of interest upon money, mentioned by Livy. A statement similar to that of Appian, is likewise made by the author of the work de Viris Illustribus.(23) Zonaras, on the other hand, enumerates all the measures mentioned by Livy, except the prohibition of interest; and he says nothing of a remission of debts.(24) The divergence therefore between his account and Appian's is as wide as possible. The conflict of testimonies, however, does not stop here; for, according to Livy, other histories represented all the details of the transaction in an entirely different manner. They related that the mutiny broke out among the soldiers after they had arrived at Rome, and not when they were upon the road;(25) that they forced their way at night into the house of C. Manlius, in the town,(26) and not into the house of T. Quinctius, in the country; that Manlius was the person whom

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on the possessions of their patrician creditors,' are meant. See Blair's Inquiry into the State of Slavery among the Romans, p. 109. The *compediti* are mentioned among the rural slaves by Cato de R. R. c. 56, 57. Appian says that the insurgent army numbered 20,000 men, and that Corvinus met them at a day's march from Rome. The account is doubtless taken from Dionysius, as Niebuhr remarks, Lect. vol. i. p. 312.

(22) οἷς ἡ βουλὴ πεισθεῖσα τὰς μὲν τῶν χρεῶν ἀποκοπὰς ἐψηφίσατο πᾶσι Ῥωμαίοις, ib.

(23) Hic quum ingens multitudo ære alieno oppressa Capuam occupare tentasset, et ducem sibi Quinctium necessitate compulsum fecisset, sublato ære alieno seditionem compressit; c. 29. Livy represents the soldiers at Capua as complaining of the pressure of usury as one of their grievances at Rome, c. 38, but says nothing about any remission of debts.

(24) vii. 25, ad fin.

(25) Niebuhr, Hist. vol. iii. p. 72, represents this account as differing more widely from the other, than Livy's words bear out. 'According to this other account (he says) the insurrection did not at all begin with the army, but broke out in the city, and formed into a secession.' This view is followed by Dr. Arnold, vol. ii. p. 118. Livy's meaning seems to be that the mutiny occurred among the troops who had returned from Capua, but that it broke out after they had reached the city. See his expressions 'lacrimantes milites,' 'militum animos;' he evidently represents the secession as confined to the soldiery. Niebuhr, ib. p. 73, rejects altogether the account of the plot against Capua, as 'a false and malicious charge.' See his treatment of the entire story of the mutiny; Hist. ib. p. 63-73; Lect. ib. p. 312-7.

(26) The only C. Manlius about this time, of whom we know anything, is C. Manlius Capitolinus, who was consular tribune in 379 B.C.

they compelled to be their leader; that they marched from Rome to the fourth milestone, and posted themselves in a fortified place; that Valerius Corvinus was not appointed dictator, but that the mutineers treated with the consuls; and that the proposal for a reconciliation came from the soldiers, and not from their commanders. 'In fact (Livy adds) the only point about which the ancient historians are agreed is, that there was a mutiny, and that it was appeased.'(27)

It is quite conceivable that at the time when the history of Rome was written by well-informed contemporaries, there should be erroneous reports and conflicting testimonies respecting events which took place at a distance from the city. When there were no printed books, no newspapers, and no maps, the notions obtained at Rome respecting military operations in distant countries, and even in other parts of Italy, must in general have been in the highest degree obscure, confused, and inaccurate. We can easily understand that if Rome had possessed historians at this epoch, they might, unless they took peculiar pains to ascertain the truth, have given incorrect and inconsistent descriptions of the movements of the consular armies in Campania and Samnium, and of the positions which they and the enemy occupied in the First Samnite War. But it is not conceivable that any person who lived at the time could have been misinformed as to such events as those which are stated to have ensued upon the mutiny of the cohort returning from Campania. These were events of public notoriety, and of deep interest to the whole community, which occurred at, or close to, Rome itself. An intelligent contemporary could have easily ascertained, beyond the possibility of doubt, whether the mutiny took place when the soldiers were on the road from Capua, or after they had arrived at Rome; whether they made T. Quinctius or C. Manlius their leader, and whether they forced their way into the country house of the former, or the town house of the latter; whether

(27) Adeo nihil præterquam seditionem fuisse, eamque compositam, inter antiquos rerum auctores constat; Livy, vii. 42.

Valerius Corvus was appointed dictator to negotiate with the mutineers; whether the soldiers seceded from Rome, or halted before they reached Rome; and whether various political laws, of the first importance—a remission of all debts, a prohibition of lending money on interest,(28) a limitation as to the capacity of holding high magistracies, and a permission to the plebeians to fill both the consular offices—were or were not passed in consequence of the popular movement. The existence of total uncertainty, confessed by Livy himself, upon questions which must have been so interesting and so notorious to contemporaries, proves that the original accounts of this transaction were obtained and reduced into writing at a time when all certain knowledge of the events had faded away.(29) It should be

(28) This law is stated by Livy to have been proposed by L. Genucius, tribune of the plebs; vii. 42. He only gives it however as the report of some writers, and does not positively affirm that it was passed. Appian, B.C. i. 54, speaks of an 'ancient law' in existence in 89 B.C., which prohibited lending money on interest—but his words are general. See above, p. 398, n. 102, and Rein, Röm. Privatrecht, p. 307.

(29) Niebuhr remarks of this insurrection: 'One may conceive how it might have happened, from another account which Livy rejected; probably because it was stated only in brief outlines in *the earliest chronicles*, which gave no more than they found in the records of that unlettered age; whereas Valerius Antias and his like presented on the contrary circumstantial accounts. If we possessed *all the ancient annals*, the historical truth could not be doubtful here;' vol. iii. p. 72. The 'early chronicles' and 'ancient annals' here supposed, if contemporary histories are meant, cannot be proved to have ever existed; the historical truth would probably be doubtful, even if the earliest histories accessible to Livy were still extant. Dr. Arnold attributes the discrepancy in the accounts to the existence of different family histories: 'Had we any history of these times (he says), events so important and so notorious as the great disturbance of the year 413 must have been related in their main points clearly and faithfully. But because we have merely a collection of stories recording the great acts of particular families and individuals, and in each of these the glory of its own hero, and not truth, was the object, even matters the most public and easy to be ascertained are so disguised, that nothing beyond the bare fact that there was a disturbance, and that it was at length appeased, is common to the various narratives. The panegyrists of the Valerian family claimed the glory of putting an end to the contest for M. Valerius Corvus, who was, they said, specially appointed dictator; while the stories of the Marcian and Servilian families said that everything had been done by the two consuls, C. Marcius Rutilus and Q. Servilius;' ib. p. 117. It will be observed that the existence of the histories of these three families is purely conjectural. No particular credit is taken to the consuls, and it is expressly said that the reconciliation was attributed not to their influence, but to the spontaneous feeling of the soldiers. More-

moreover added that although the account of the mutiny of the cohort, given by Livy and Appian, is clear and coherent, the subsequent connexion of that event with important constitutional concessions to the plebs is quite obscure, and is not explained by the previous narrative.

§ 19 No military operations took place in the year of Marcius and Servilius—an inaction which was probably owing to the mutinous state of the legions quartered in Campania—but in the following year, 341 B.C., the consul Æmilius marches into Samnium, where he is met, not by an army, but by ambassadors suing for peace. They are referred by the consul to the Senate, who grant them a treaty of peace, with permission to make war against the Sidicines. The consular army is then withdrawn upon payment of a war contribution by the Samnites.(30)

The Sidicines now attempt to surrender their country to Rome, and thus to obtain its protection: but the Senate refuse to accept their cession. They therefore turn to the Latins, who were beginning to shake off their allegiance to Rome; the Campanians likewise, who were displeased at the union of the Romans with their bitter enemies, the Samnites, join the league; and an army of Latins, Campanians, and Sidicines invades Samnium.

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over, although Livy says 'per consules,' yet his narrative implies that Marcius was at this time in Campania. Mommsen, Röm. Geschichte, vol. i. p. 229, discredits the account of this mutiny, as being 'sentimental and confused;' a description which seems to me inapplicable to the version followed by Livy.

(30) Livy's account of this transaction is considered by Dr. Arnold as falsified by Roman partiality, and he thinks that a Latin writer would have represented it in the following manner: 'That when the confederate armies of Rome and Latium were actually in the field, to invade the Samnite territory on different sides, the Romans suddenly and treacherously made a separate peace with the common enemy, and withdrew their army; and that not content with this, they actually entered into an alliance with the Samnites, and were ready to join them against Latium;' Hist. vol. ii. p. 128. If Livy's account is unworthy of belief, it ought to be rejected; but we must reject it simply, and cannot supply its place with a conjectural history of our own. The account which Dr. Arnold ascribes to a supposed Latin historian is wholly inconsistent with Livy's account. He entirely separates the Roman invasion of Samnium from the plundering expedition of the Latins, and describes the latter as being throughout disaffected to Rome.

It retires, however, after having plundered the open country, and the Samnites lose no time in sending ambassadors to Rome, to complain that they derive no benefit from the new alliance, and to request that if the Latins and Campanians are the subjects of Rome, the Romans will compel them to respect the Samnite territory; if they refuse to submit to the orders of Rome, that the Romans will compel them by force of arms. The Senate meet this direct appeal with an assurance that the Campanians shall be kept quiet; but they add that the treaty with the Latins permits them to make war with any other state at their own discretion. This answer, we are told, alarmed the Campanians, and alienated them still more from Rome; while it gave courage and confidence to the Latins, who saw that the Romans were afraid of using coercion against them.

The Latins now make secret preparations for the open abandonment of their long-standing Roman alliance; but information of their movements is conveyed to Rome, and measures of precaution are taken by the Senate. The consuls for the year are compelled to resign before the proper time, and two distinguished commanders, T. Manlius Torquatus, and P. Decius Mus, are elected in their place. The ten leading men of Latium, including the two prætors, L. Annius of Setia, and L. Numisius of Circeii, are likewise summoned to Rome upon the pretext of giving them instructions respecting the Samnites. Before the prætors obey their summons, they convene a federal assembly of the Latins, which agrees to demand that one of the Roman consuls shall be a Latin, and that half the Roman Senate shall consist of Latins. Annius and his colleagues subsequently present themselves before the Roman Senate, in order to make this demand; which, if it had been granted, would probably have prevented the development of the Roman power, and thus have changed the subsequent history of the world. Manlius, the consul, was moved to indignation by hearing such a proposition formally made by a Latin envoy to the conscript fathers assembled in the Capitol. He threatened to come armed into the Senate, and with his own hand to kill any Latin who should

venture to appear in it: he also called upon Jupiter to bear witness, that it was proposed to pollute his temple, in which they were sitting, by foreign consuls and a foreign Senate. As the consuls appealed to the gods who had attested the treaty which the Latins had violated, Annius was heard to utter some words derogatory to the Roman deities. When Annius left the temple, he fell down the steps with such force that he was killed. At the moment, moreover, when the consuls invoked the gods who had witnessed the treaty, a storm of rain, accompanied with thunder, was heard. Livy leaves it in doubt whether Annius was killed, or, as some accounts stated, was only stunned by his fall; as well as whether the thunderstorm really took place; for these circumstances, he remarks, might be true, or they might have been invented in order to signify the anger of the gods.(31)

War is immediately declared against the Latins, by the common consent of Senate and people; and the consuls, excluded from the country which had been recently open to a Roman army, march through the midland districts of the Marsians and Pelignians to Samnium, where they are joined by a Samnite army; and with this reinforcement, advance to meet the Latins and their allies at Capua. In this campaign therefore the Romans, assisted by their recent enemies, the Samnites, fought against their ancient allies, the Latins, and their recently acquired and now revolted subjects, the Campanians.(32)

§ 20 While the Roman army was encamped before Capua, each consul is said to have seen in his sleep the figure of a supernatural being, which announced that in the impending battle, the general of one side and the army of the other were due to the infernal deities; and that the victory would be to that side on which the general should devote the enemy's legions and himself to death. These visions were communicated to each

(31) Exanimatum auctores quoniam non omnes sunt, mihi quoque in incerto relictum sit; sicut inter fœderum ruptorum testationem ingenti fragore cœli procellam effusam; nam et vera esse, et apte ad repræsentandam iram deûm ficta possunt; viii. 6.

(32) Livy, viii. 1-6.

other by the consuls, and were confirmed by the responses of the aruspices, who were subsequently consulted: the will of the gods was therefore manifest, and the consuls agreed that if any part of the line of the Roman army should give way, the consul who commanded that part should devote himself to death. This resolution was privately imparted beforehand to the lieutenants and tribunes, in order to prevent any alarm being caused by the voluntary death of the consul.

The close resemblance between the Romans and Latins in language, manners, arms, and military discipline, and the community of service which had existed between them, rendered a confusion of the opposing forces easy, and favoured mistake or treachery. Strict orders were therefore given that no one should engage in any combat out of his ranks. This injunction was disobeyed by T. Manlius, the son of the consul, who, being challenged by Geminius Metius, a distinguished citizen of Tusculum, engaged him in a single equestrian combat, was victorious, and brought his spoils back to his father's tent. The consul having heard the story, summoned an assembly of the soldiers, and ordered his son to execution—a sentence which was carried into immediate effect. This example of stern military discipline is said to have made a profound impression in the camp, to have left a lasting aversion against Manlius in the minds of the young men of his own time, and to have caused the expression *Manliana imperia* to become proverbial, as denoting unrelenting severity in the enforcement of military commands.(33)

§ 21 The battle was fought at the foot of Mount Vesuvius, near a place called Veseris.(34) The sacrifice of Manlius was

(33) Livy, viii. 6-7; Gell. i. 13, § 7; Victor de Vir. Ill. 28; Dio Cass. Fragm. xxxv. 3, 4, 9; Zon. vii. 26. The execution of Manlius by his father is assigned to a Gallic war by Sallust, Cat. 52, and Dion. Hal. viii. 79. These writers appear to have connected the idea of a Gallic war with Manlius, on account of the exploit which gave him the name of Torquatus. Servius, Æn. vi. 825. says that Manlius caused his son to be beaten to death, and not executed with the axe: Livy describes the execution as taking place by decapitation, in the ordinary manner.

(34) From the expression of Livy, 'qua via ad Veserim ferebat,' viii. 8, it seems probable that Veseris was not a river, as it is called by Victor de Vir. Ill. c. 26, 28, a writer of no authority.

propitious; but the soothsayer pointed out to Decius that the liver of his victim had an ill-omened mark. Decius expressed himself satisfied, if there was nothing wrong in his colleague's sacrifice. The left wing, commanded by Decius, soon began to waver, and the first rank retreated in order to make way for the second. Hereupon Decius called for the Pontifex, M. Valerius, who ordered him to put on the official *toga prætexta*, to stand upon a spear, and to repeat the formula of self-devotion to death for his country. When this ceremony had been performed, Decius mounted his horse, and dashed into the enemy's ranks, where his appearance is said to have caused alarm, but where he soon found the death which he courted.(35) After a protracted and severe struggle, the surviving consul, Manlius, succeeded in achieving a complete victory over the Latin army and their Campanian allies. The Samnites are stated to have been posted under Vesuvius, but to have taken no part in the conflict; according to one account, they did not come up till after the battle, having waited to see which side would be victorious.(36) Livy remarks that the consuls obtained the chief credit of this victory; the one because he had devoted himself for his country, while the other had shown such courage and ability that both the Romans and the Latins, who handed

(35) Livy, viii. 9; Florus, i. 14; Victor de Vir. Ill. 26; Cic. de Fin. ii. 19, De Div. i. 24; Dio Cass. fragm. xxxv. 6. Plutarch, An. vitios. ad infel. suff. c. 3, speaks of Decius sacrificing himself on a pyre to Cronus between two armies; but he does not specify whether it is the father or the son. The author of the Plutarchean Parallela, c. 18, relates that Decius the father devoted himself in a war against the Albans, and Decius the son in a war against the Gauls. Aristides of Miletus is cited as the authority for this statement; see Fragm. Hist. Gr. vol. iv. p. 323. Zonaras, vii. 26, says that some writer represented Decius to have ridden into the midst of the enemy, while others described him as having been slain by a Roman soldier. The deaths of the two Decii are thus alluded to by Juvenal:

> Plebeiæ Deciorum animæ, plebeia fuerunt
> Nomina: pro totis legionibus hi tamen, et pro
> Omnibus auxiliis atque omni pube Latinâ
> Sufficiunt dis infernis Terræque parenti.—viii. 254-7.

(36) Samnites quoque, sub radicibus montis procul instructi, præbuere terrorem Latinis; Livy, viii. 10. Romanis post prœlium demum factum Samnites venisse subsidio, expectato eventu pugnæ, apud quosdam auctores invenio; ib. c. 11.

down the memory of that day to posterity, agreed that whichever army was commanded by Manlius would have gained the victory.(37)

Whatever might be the amount of active assistance which the Romans received from the Samnites in the battle of Veseris, the description of the campaign shows that Samnium was at this time a friendly country.(38) After their defeat, the Latins evacuated Campania, and retreated to Minturnæ, north of the Liris. Letters giving a false account of the result of the battle were circulated in Latium, and in the Volscian country, and thus reinforcements were speedily obtained. The Romans now marched northwards in pursuit of the Latin army, which was interposed between them and Rome, and met it at Trifanum, a coast town, between Sinuessa and Minturnæ. Here the Latin and Campanian confederacy received another blow, and both Latium and Capua were mulcted of their public land.(39)

The Latins, however, were not yet subdued; hostilities were renewed against them by the next consuls, and it was not till the third year that the definitive reduction of the entire country was effected. Different measures were adopted with the several cities, according to their conduct in the late war: those few that remained faithful to Rome were rewarded; the most delinquent were deprived of their public territory, and received colonies of Roman settlers: the policy however applied generally to them was to reduce them to isolated units, without any power of combination and joint action. For this purpose they were prohibited

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(37) Alter eâ virtute eoque consilio in prœlio fuit, ut facile convenerit inter Romanos Latinosque, *qui ejus pugnæ memoriam posteris tradiderunt*, utrius partis T. Manlius dux fuisset, ejus futuram haud dubie fuisse victoriam; Livy, viii. 10. There is a similar statement respecting Manlius in Dio Cass. Fragm. xxxv. 4. *ὥστε καὶ πρὸς τῶν πολιτῶν καὶ πρὸς τῶν ἐναντίων ὁμοίως λέγεσθαι ὅτι τό τε κράτος τοῦ πολέμου ὑποχείριον ἔσχε, καὶ εἰ καὶ τῶν Λατίνων ἡγεῖτο, πάντως ἂν αὐτοὺς νικῆσαι ἐποίησεν.*

(38) See Arnold, vol. ii. p. 150, n.

(39) This victory is described by Diod. xvi. 90, as having been gained by T. Manlius the consul over the Latins and Campanians near Suessa, and to have cost the defeated nations a part of their territory. He says nothing of the battle of Veseris.

from convening federal assemblies; and the citizens of one state were not permitted to marry, or to hold land, in another.(40)

As this reduction of Latium is one of the great turning points in Roman history, and produced a settlement which even the battle of Cannæ did not disturb,(41) it is worth while to consider, as well as we can, in what state the accounts of it have descended to us. The Latins are described as shaking off their allegiance to Rome, and taking arms against her, in the year after the Gallic capture of the city:(42) their hostile movements and refusals to furnish troops continue at certain intervals until the Samnite war; but although this seems a favourable opportunity for attacking the Romans, the Latins (probably from jealousy of the Samnites) remain quiescent, until the campaign is decided in favour of the Romans; when their army, which is stated to be in readiness for an attack upon the Romans in case they had been worsted, invades the territory of the Pelig-

(40) Ceteris Latinis populis connubia commerciaque et concilia inter se ademerunt; Livy, viii. 14. When the Hernici were reduced, the cities which had borne arms against Rome were deprived of the right of holding federal councils, and of intermarriage; their magistrates were likewise stripped of all civil powers, and were allowed only to retain their religious functions; ib. ix. 43. After the Roman conquest of Macedonia, it was divided into four regions, each of which was permitted to have a concilium or assembly of its own; and the right of marriage and of holding land and houses was limited to the region. 'Pronunciavit deinde neque connubium neque commercium agrorum ædificiorumque inter se placere cuiquam extra fines regionis suæ esse;' Livy, xlv. 29. The 'commercium agrorum ædificiorumque' is equivalent to the ἐγκτησις γῆς καὶ οἰκίας of the Greeks. Polybius, in his summary of Roman history after the taking of the city by the Gauls, says that the Romans, having mastered all the Latins (γενόμενοι ἐγκρατεῖς ἁπάντων τῶν Λατίνων διά τε τὴν ἀνδρίαν καὶ τὴν ἐν ταῖς μάχαις ἐπιτυχίαν), afterwards went to war with the Etruscans, then with the Gauls, and afterwards with the Samnites; i. 6.

(41) Some of the Latin cities were among the twelve Roman colonies which refused to furnish men and money in the ninth year of the Second Punic War. This however was not so much a defection as a refusal to make additional sacrifices for continuing the war; Livy, xxvii. 9-10.

(42) Great terror is stated to be caused in 389 B.C., by the defection of the Latins who had been faithful to the Romans since the battle of Regillus; Livy, vi. 2. The Latins assist the Antiates against Rome; ib. 6. In answer to a message from the Romans, they excuse themselves for not furnishing a contingent, and for assisting the enemies of Rome; ib. 10. Afterwards however they send succours to the Volsci; ib. 12, 13. Latium is described as doubtful in its allegiance; ib. 21. The Latins join the Volsci against Rome; ib. 32-3. In 349 B.C., the Latins, in answer to

nians, who are now friendly to the Romans.(43) The mutiny in Campania gave them fresh hopes,(44) and in the following year they openly revolted, with the Campanians and Sidicines.(45) Annius, the prætor, is described in Livy as telling the Latin assembly that the time for declaring their independence is now arrived; that the Romans are manifestly holding back from fear; for that they have acquiesced in a refusal of the Latins to furnish troops, after a submission of more than two hundred years;(46) in their invasion of the Pelignians, when formerly they could not obtain permission to defend themselves;(47) in their protection of the Sidicines and Campanians, and their hostilities against the Samnites, now the allies of Rome.(48) No specific reason is assigned for the defection of the Latins at this particular time; and we must suppose that, by a succession of circumstances, they were rendered impatient of the state of

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a demand for troops, refuse to furnish them, but announce that they shall fight for their own independence, and not to support any other nation; ib. vii. 25. The hostile feeling of Latium is mentioned; ib. 27-28.

(43) Hujus certaminis fortuna—Latinos, jam exercitibus comparatis, ab Romano in Pelignum vertit bellum; Livy, vii. 38.

(44) Livy, vii. 42.

(45) They are described as 'suâ sponte in arma moti;' Livy, viii. 2.

(46) Livy seems to reckon from the reign of Tarquinius Priscus (616—579 B.C.); see i. 38. The battle of Regillus, placed by Livy in 499 B.C., would give an interval of only 159 years.

(47) Livy represents the Roman Senate as declaring that the treaty did not prohibit the Latins from making war without the consent of Rome; viii. 2. He must therefore suppose the Romans to have exercised a power in excess of that conferred by the treaty. He states, as early as 494 B.C., that the Latins applied to the Senate for assistance against the Æqui, or for permission to defend themselves, and that the Senate, thinking it safer to defend them than to allow them to defend themselves, sent one of the consuls; ii. 30, above, p. 62. See also the answer to the Hernicans, in iii. 6. Dion. Hal. viii. 15, says that in 489 B.C. the Latins received permission from the Senate to levy an army and appoint generals of their own, which they were prohibited from doing by their treaty with Rome. See above, p. 108, n. 49. The same historian states that in 466 B.C., when the territory of the Latins was ravaged by the Æqui, the Romans neither sent an army to their assistance, nor would permit them to defend themselves; ix. 60. They are described, in a subsequent year (463 B.C.), as receiving permission to defend themselves until the Roman force comes up; ib. 67. It will be observed that the statements of Livy, viii. 2, and Dion. Hal. viii. 15, with respect to the provisions of the treaty on this important point, are wholly at variance with each other.

(48) viii. 4.

virtual subjection in which, partly by virtue of the treaty, and partly by usurpation, they stood to Rome.

Livy's description of the reception given at Rome to the Latin demand, though highly-coloured, is quite consistent with probability;(49) but the thunderstorm heard when the consuls appealed to the gods, who had attested the broken treaty,(50) and the judicial death of Annius, from a fall down the steps of the Senate-house, after he had spoken disparagingly of the Roman gods, are circumstances which savour of the marvellous. The circuitous march of the Roman army to Mount Vesuvius, without passing through Latium, in order to attack the Latin and Campanian forces in Campania, together with the rest of the successful campaign, is clearly and coherently described. The execution of T. Manlius by his father, for a breach of military discipline, was an event calculated to make a deep impression on the popular memory, and no reasonable doubt can be entertained of its historical basis. A similar remark doubtless applies to the self-devotion of Decius, strange as the superstition may seem by which this patriotic act was dictated. The concurrent dreams of the consuls are indeed probably fabulous;(51) nor is it easier for us

(49) After the battle of Cannæ, in 216 B.C., when the numbers of the Senate were to be filled up, Sp. Carvilius proposed to admit two senators from each Latin city. This proposal was received in the Senate with great indignation, and T. Manlius exclaimed, 'Esse etiam nunc stirpis ejus virum, ex quâ quondam in Capitolio consul minatus esset, quem Latinum in curiâ vidisset, eum suâ manu se interfecturum;' Livy, xxiii. 22. This agrees with the threat of the consul Manlius in viii. 5. The interval is 12·4 years. Cicero, De Leg. Agr. ii. 35, states that the Campanians once demanded that Capua should appoint one of the Roman consuls: but it does not appear when this demand could have been made.

(50) Dio Cassius states that the murder of Cæsar was immediately followed by a thunderstorm: ἄλλως τε ὅτι καὶ βρονταὶ ἄπλετοι καὶ ὑετὸς λάβρος ἐπεγένετο, xliv. 52.

(51) The dream of P. Decius alone is mentioned by Cic. de Div. ii. 66, which seems to imply that he did not know of the concurrent dream of the other consul; Zonaras, viii. 2, likewise speaks of the dream of Decius alone. It is however possible that this passage of Cicero may refer to the other dream of Decius mentioned above, p. 413, n. 8. The dream of the consuls in Livy, viii. 6, is not unlike the oracle given to the Athenians, which led to the self-sacrifice of Codrus. According to Livy, the consuls dreamed: utrius exercitûs imperator legiones hostium, superque eas se devovisset, ejus populi partisque victoriam fore. The oracle given to

than it was for Dio Cassius to understand how the self-sacrifice of the consul could have produced as great an effect as is described.(52) When the mitigation of cruel superstitions had abolished human sacrifices by the priest, they seem to have been still retained, in certain cases, as acts of voluntary self-slaughter: it is in this light that the leap of M. Curtius into the chasm in the forum is represented to us.(53) The act of Decius

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Codrus is reported to have been that if he fell by the hand of the enemy, the Athenians would be victorious. See Lycurg. in Leocrat. § 86. Val. Max. v. 6, ext. i., Vell. i. 2, and other authors cited by Meursius de Reg. Ath. iii. 11. Velleius says that the answer of the oracle was, 'Quorum dux ab hoste occisus esset, eos futuros superiores.'

(52) Dio Cass. fragm. xxxv. 7.

(53) Silentio facto, templa deorum immortalium, quæ foro imminent, Capitoliumque intuentem, et manus nunc in cœlum, nunc in patentes terræ hiatus ad deos manes porrigentem, se devovisse; Livy, vii. 6. Human sacrifices, in the cruel form of a live interment of a male and female Gaul and Greek, were however practised at Rome at a date long subsequent to the devotion of Decius. See Plut. Marcell. 3; Orosius, iv. 13; Livy, xxii. 57; Plut. Quæst. Rom. 83. Pliny states that human sacrifices were abolished at Rome by a decree of the Senate, as late as the year 97 B.C.; xxx. 3. Two men were slain as victims by the pontifices and the priest of Mars, in the Campus Martius, and their heads were affixed to the regia, in the year 46 B.C., under the rule of Julius Cæsar. Dio Cassius states that he does not know the reason why this sacrifice took place; it was not made in consequence of a Sibylline oracle, or any other sacred announcement; xliii. 24. Pliny likewise says: 'Boario in foro Græcum Græcamque defossos, aut aliarum gentium, cum quibus tum res esset, etiam nostra ætas vidit;' xxviii. 3. Cæsar mentions the use of human sacrifices among the Gauls in his own time; B. G. vi. 16. Human sacrifices were in general repugnant to the feelings of the Greeks, and were supplanted by various symbolical rites in the historical age. They were however practised at the festival of Lycæa in Arcadia, at the time of Theophrastus and even later; and are stated to have been occasionally resorted to even at Athens. See K. F. Hermann, Gottesdienstlichen Alterthümer der Griechen, § 27. Traces of the symbolical mitigation of the ancient custom of human sacrifices also occur at Rome. Thus in the Sacra Argeorum, thirty figures of men, made of rushes, were thrown into the Tiber, which were said to have been substituted by Hercules for human victims; Hartung, Rel. der Römer, vol. ii. p. 105. Above, vol. i. p. 288. There is likewise a story that in the reign of Tarquinius Superbus, the oracle of Apollo declared that heads must be offered for heads. Hence Tarquin instituted the practice of sacrificing boys to the goddess Mania. This practice was abolished by Brutus, who substituted heads of garlic and poppies, in order to satisfy the oracle; Macrob. Sat. i. 7, § 35. Compare the curious colloquy between Jupiter and Numa, in Ovid, Fast. iii. 337-44.

Annuit oranti, sed verum ambage remotâ
Abdidit, et dubio terruit ore virum.
Cæde caput, dixit. Cui rex, parebimus, inquit:
Cædenda est hortis eruta cepa meis.

was a self-inflicted human sacrifice; but how, in the confusion and throng of a battle, it could have been seen and known to a sufficient number in either army to produce a strong moral effect, it is difficult to understand. It is true that the ancient battles were without smoke, and that the opposite armies were closely engaged: the space which they covered was thus much smaller than in a battle which is decided by artillery, and there was no artificial impediment to the sight; still as the dream of the consuls was only divulged to a few, the principal motive for the act of Decius could not be known even to his own army. The curious formulas and rules relating to the devotion of the enemy's legions by a voluntary death—which, it seems, applied not only to a commander, but to any soldier of a legion—are preserved by Livy, and are undoubtedly authentic:(54) the existence of established rules of this kind seems to prove that the practice must have been resorted to, in some form, on occasions on which it is not mentioned. At the same time it is true, as Dr. Arnold has remarked, that the authenticity of the formulas does not prove the reality of the event with which they are placed in juxtaposition.(55) The difference between Greek and Roman civilization at this time is strikingly evinced by the self-immolation of Decius. No such act of gloomy and ferocious superstition, however patriotic the motive, would have been in accordance with the prevailing sentiments of the Athenian people, even during the Peloponnesian war; still less would it have recommended itself to the hearers of Demosthenes.

Whatever may have been the effect of the devotion of Decius, the energy and ability of Manlius contributed largely

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Addidit hic, hominis. Sumes, ait ille, capillos.
Postulat hic animam; cui Numa, piscis, ait;
Risit, et his, inquit, facito mea tela procures,
O vir colloquio non abigende meo.

See above, vol. i. p. 487, n. 55.

(54) Pliny speaks of this formula as extant in his time: 'Durat immenso exemplo Deciorum, patris filiique, quo se devovere, carmen;' xxviii. 3.

(55) Hist. of Rome, vol. ii. p. 146.

to the success of the day; and it is remarkable that Livy speaks of both Romans and Latins, who handed down the memory of that battle to posterity, as agreeing in the extent of his influence. The words of Livy imply that this battle was recorded by contemporaries, and that the memory of it was due to their accounts: the expression is worthy of note, inasmuch as it is the earliest reference to contemporary evidence, with respect to the narrative of a transaction, which occurs in Roman history.

In the account of the Roman military system which Livy introduces on the occasion of the Latin war, he states that the Romans originally used *clypei*, or round bucklers, similar to those of the Greeks; but that when pay for the soldiers was introduced (which change was made at the siege of Veii), *scuta*, or oblong rectangular shields, were substituted for them.(56) In his description of the Servian constitution, however, he assigns *scuta* to the second and third classes.(57) It has been attempted to reconcile these two passages by assuming that Livy's meaning in the former is, that oblong were universally substituted for round shields at the introduction of pay:(58) it seems more probable that the inconsistency was owing to inadvertence, and that the specification of the armour of the Servian classes does not apply to the early times. The Romans are moreover said to have borrowed the scutum from the Samnites; while Plutarch states that Romulus derived it from the Sabines, and substituted it for the round Argolic shield, which the Romans had previously used.(59)

An incident connected with the subjugation of Latium is, that the beaks of the captured Antiate ships were brought to Rome, and used as ornaments for the raised platform used by speakers in the forum; which hence obtained the name of

(56) Clypeis antea Romani usi sunt; deinde, postquam stipendiarii facti sunt, scuta pro clypeis fecere; viii. 8.

(57) i. 43.

(58) See Marquardt, iii. 2, p. 272.

(59) Above, p. 412, n. 4.

rostra.(60) This origin may probably be considered as historical.

§ 22 The dictatorship of Q. Publilius Philo, in the year after the Latin revolt, 339 B.C., was, according to Livy, distinguished by three laws, highly favourable to the plebs, and adverse to the patricians. The first of these was an enactment that decrees of the plebs should be binding on the entire community. The second, that the Senate should give a preliminary consent to all laws put to the vote in the comitia centuriata. The third, that one at least of the censors should be a plebeian. The first law is identical with one of the Valerio-Horatian laws, passed in 449 B.C., after the abolition of the decemvirate, as stated both by Livy and Dionysius.(61) Livy however introduces it in this year, as if it were a new popular concession; and not a re-enactment of a previous law.(62) It appears subsequently a third time, as a new concession, by which the dictator Hortensius, in the year 287 B.C., put an end to a secession of the plebs.(63) The rule that plebiscita had the force of law was referred by the jurists of the empire to the Hortensian law.(64) Attempts have been made by Niebuhr and others to draw distinctions between these three laws,(65) but the distinctions rest upon unsupported conjectures, and we must admit that the accounts of this important enactment, as they stand, are irreconcilable; for both the Publilian

(60) Livy, viii. 14; Plin. N. H. xxxiv. 11. The latter agrees with Livy in fixing the event to the consulship of C. Mænius, 416 U.C.

(61) Livy, iii. 55: ut quod tributim plebes jussisset populum teneret. Dion. Hal. xi. 45.

(62) The law of Publilius Philo is expressed thus: 'ut plebiscita omnes Quirites tenerent;' Livy, viii. 12.

(63) Plin. H. N. xvi. 15; Gell. xv. 27; Liv. Epit. xi. Compare Becker, ii. 3, p. 161.

(64) Sed et plebiscita, latâ lege Hortensiâ, non minus valere quam leges cœperunt; Inst. i. 2, § 4.

(65) See Niebuhr, Hist. vol. ii. p. 366, vol. iii. p. 148, 418. Niebuhr supposes that the Publilian law abolished only the veto of the curiæ upon plebiscita, and that the Hortensian law repealed the veto of the Senate, which still subsisted. His theory respecting the curiæ, as an aristocratical body, is however destitute of proof, and its application to these laws is a mere arbitrary conjecture. Niebuhr's hypothesis is adopted by Dr. Arnold, vol. ii. p. 155.

and Hortensian laws are represented as constitutional innovations, and not as mere re-enactments. The second of the Publilian laws implies that, up to this time, the Senate had a veto upon all laws passed by the comitia centuriata—a state of things which cannot be reconciled with the previous history.(66)

§ 23 Livy mentions more than once about this time the expedition of Alexander, king of Epirus, to Italy, where he met his death. As this is one of the earliest points of contact between the contemporary authentic history of Greece and the traditional history of Rome, the present will be a convenient place for examining the series of Greek expeditions to Italy, which, beginning about this period, ended in the expedition of Pyrrhus.(67)

Tarentum, situated in the deep indentation of the southern gulf of Italy, an ancient Lacedæmonian colony,(68) was still a powerful state, involved in frequent wars with its neighbours. Being pressed by the hostilities of the Lucanians, the Tarentines applied for assistance to their mother country; the claim was willingly recognised, and in 338 B.C. Archidamus III., king of Sparta, was sent with an expedition to the relief of Tarentum. There he died in a battle against the Lucanians, which is stated to have been fought on the same day as that of Chæronea: a

(66) Ut legum quæ comitiis centuriatis ferrentur, ante initum suffragium patres auctores fierent; Livy, viii. 12. If the consent of the patres was a mere form, it would have been immaterial whether it was given before or after the vote. In i. 17, Livy states that the practice of giving the consent of the Senate before the vote, was followed in his time both in the passing of laws and the election of magistrates. According to Dion. Hal. ii. 14, the original institution of Romulus was, that the acts of the people were not valid without the consent of the Senate. Cicero makes the same statement with respect to the early period of the Republic: 'Quodque erat ad obtinendam potentiam nobilium vel maximum, vehementer id retinebatur, populi comitia ne essent rata, nisi ea patrum approbavisset auctoritas;' Rep. ii. 32. Nam si ita esset, quod patres apud majores nostros tenere non potuissent, ut reprehensores essent comitiorum; Pro Planc. 3. Compare also the oration of Licinius Macer in the fragments of the Histories of Sallust, p. 283, ed. Kritze: Deinde, ne vos ad virilia illa vocem, quo tribunos plebei, modo patricium magistratum, libera ab auctoribus patriciis suffragia majores vestri paravere. By 'modo patricium magistratum,' Kritze understands an 'exclusively patrician magistrate,' the allusion being to the consulship and other high offices which had been thrown open to the plebeians. See above, § 10. This interpretation however supposes a very elliptical construction.

(67) See Strabo, vi. 3, § 4.

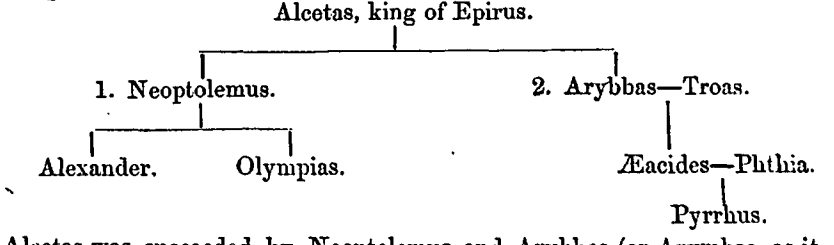
(68) See Grote, Hist. of Gr. vol. iii. p. 512.

circumstance which fixes the date of the expedition.(69) This event had no direct influence upon Rome, and is not mentioned by Livy.

§ 24 Shortly after this disaster, the Tarentines applied in another quarter for succour against their warlike neighbours the Lucanians and the Messapians. Alexander, king of Epirus,(70)

(69) See Diod. xvi. 62-3. The synchronism with Chæronea is mentioned in c. 88, and also by Plut. Cam. 19. It is stated that the enemy refused to give up his body, and it remained unburied, although the Tarentines offered a large sum for it; Theopomp. ap. Athen. xii. p. 536, C. D; Paus. iii. 10, § 5. In Plut. Agis, 3, it is said that he was killed by the Messapii near Μανδόνιον, for which Μανδύριον has been corrected.

(70) For the series of the kings of Epirus, see Paus. i. 11; Plut. Pyrrh. 1, 2; Justin, xvii. 3. The name of Alexander however is excluded from Plutarch's list. The family relations will appear from the following pedigree:—



Alcetas was succeeded by Neoptolemus and Arybbas (or Arymbas, as it is written in Demosth. Olynth. i. p. 13), who agreed to reign jointly. Arybbas survived his brother, and became king with undivided power. According to Diod. xvi. 72, he died after a reign of ten years, and was (through the influence of Philip) succeeded by Alexander, and not by his son Æacides. On the other hand, Justin, viii. 6, (cf. vii. 6) states that Philip deposed Arybbas, in order to put Alexander on the throne at the age of twenty. If (as appears from the language of Paus. i. 11, § 1) Neoptolemus was the elder brother of Arybbas, Alexander was the rightful heir to the throne, in preference to Æacides. Niebuhr, vol. iii. p. 164, however calls Arybbas the elder brother. Justin, vii. 6, makes Neoptolemus and Arybbas cousins, not brothers. Upon the death of Alexander, Æacides succeeded to the throne (Paus. iii. 11, § 4), and upon his death (Diod. xix. 74) the celebrated Pyrrhus became king—though with the interruption of a certain Neoptolemus (Plut. Pyrrh. 4), who was probably the son of Alexander. The rival to the throne whom Pyrrhus kills, and who is called Neoptolemus by Plutarch. is in Paus. i. 11, § 5, Alcetas the son of Arybbas, and elder brother of Æacides. When Philip repudiated Olympias, she retired to her brother Alexander; Dicæarchus, ap. Athen. xiii. p. 557, D. E.; Justin, ix. 6, 7. The statement in Plut. Alex. 2, that Arymbas was the brother of Olympias seems to be an error arising from the confusion of different persons. Justin, xvii. 3, likewise erroneously calls Neoptolemus the son of Arybbas, and Æacides the brother of Alexander. Neoptolemus, one of the ἑταῖροι of Alexander, is said by Arrian, Anab. ii. 27, to have belonged to the family of the Æacidæ. He must therefore have been allied to the royal family of Epirus.

whose sister Olympias had married Philip of Macedon,(71) who had himself married his own niece Cleopatra, the daughter of Philip and Olympias, and who owed his throne to the influence of Philip, is said to have thought that he could conquer the West, as his nephew Alexander was subduing the East.(72) He came to the assistance of Tarentum, and engaged in a war with the Lucanians;(73) which afterwards led him to make a descent upon the western coast of Italy near Pæstum. Here he fought a battle against the combined forces of the Lucanians and Samnites, and was victorious: the result of this battle led to his entering into a treaty with the Romans.(74) His successes in southern Italy were important, and if they had continued, he would probably have come into contact with the Romans,(75) in

(71) See Justin, vii. 6; Diod. xix. 91. Justin here states that the marriage of Philip with Olympias was arranged by Arybbas, who was her guardian: he calls both Neoptolemus and Arybbas kings of the Molossians, and describes them as cousins, not brothers. He likewise states that Troas, the wife of Arybbas, was the sister of Olympias. This account of the marriage of Philip and Olympias does not agree with that given in Plut. Alex. 2. Niebuhr has the following note, vol. iii. n. 395: 'The earlier Greek writers, even such as, like Aristotle, did not use Atticisms, always write Molottians; which the Romans, according to a false analogy, have changed into Molossians. The Thessalians were Thesprotians, and the double *t* is Thessalian.' Compare his Lect. on Anc. Hist. vol. iii. p. 137. It does not appear that there is any foundation for this assertion. Herodotus and Thucydides use the form Μολοσσός: see Herod. i. 146, vi. 127; Thuc. ii. 80. The same form likewise occurs in Æsch. Prom. 829. Aristotle, moreover, writes in Attic Greek.

(72) Porro Alexander, rex Epiri, in Italiam a Tarentinis auxilia adversus Bruttios deprecantibus, solicitatus, ita cupide profectus fuerat, veluti in divisione orbis terrarum, Alexandro Olympiadis sororis suæ filio Oriens, sibi Occidens sorte contigisset: non minorem rerum materiam in Italiâ, Africâ, Siciliâque quam ille in Asiâ et in Persis habiturus; Justin, xii. 2. The anecdote in Gell. xvii. 21, § 33, implies that the Italian expedition of Alexander of Epirus was subsequent to the Asiatic campaign of Alexander the Great. Livy, ix. 19, carries the saying down to the time of Alexander's death. No reliance is to be placed on the authenticity of such anecdotes. In Orosius, iii. 12, he is described as 'affectans occidentis imperium, æmulans Alexandrum Magnum.'

(73) He was 'accitus ab Tarentinis in Italiam;' Livy, viii. 24. Strabo, vi. 3, § 4, says that Alexander was called in by the Tarentines against the Messapians and Lucanians.

(74) Livy, viii. 17. He places this battle seven years before Alexander's death. The treaty with Rome is also mentioned by Justin, xii. 2, also treaties with Metapontum and the Pœdiculi.

(75) Eo anno Alexandrum, Epiri regem, in Italiam classem appulisse constat; quod bellum, si prima satis prospera fuissent, haud dubie ad Romanos pervenisset; Livy, viii. 3.

which case the treaty between them would have been of short duration. He gained many advantages over the Bruttians and Lucanians; he took Heraclea, Consentia, Sipontum, Terina, and other towns, and sent three hundred noble families as hostages to Epirus;(76) but during some hostile operations in the Bruttian territory, two-thirds of his army were cut off, and he was treacherously put to death by some Lucanian exiles, whom he kept as a bodyguard about his person. Before he left Epirus he had been warned by an oracle to beware of the city of Pandosia, and the waters of Acheron. Alexander had referred this ambiguous admonition to the city and river, so named, in Epirus; he was however transfixed by a spear while crossing a river Acheron, near a city of Pandosia, in southern Italy.(77)

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(76) Justin, ib., tells a story of Alexander being prevented from attacking the Apulians by respect for an ancient oracle, which appeared to promise them perpetual possession of the country.

(77) Livy, viii. 24; Strab. vi. 1, § 5; Ib. 3, § 4; Justin, xii. 2, xvii. 3, xxiii. 1; Plut. de Fort. Rom. 13. Strabo, vi. 3, § 4, attributes the death of Alexander to the resentment caused by his transfer of a general festival of the Greeks of that region from Heraclea in the Tarentine territory, to the Thurian territory, near the river Acalandrus. The details of the death of Alexander, and of the subsequent fate of his body, given by Livy (which appear to have been derived from some contemporary Greek writer), do not agree with the statement of Justin: 'Corpus ejus Thurii publice redemtum sepulturæ tradiderunt;' xii. 2. Justin, ib., states that the oracular warning was given by Jupiter of Dodona. Strabo, ib., and Steph. Byz. in Πανδοσία mention another ambiguous oracle: Πανδοσία τρικόλωνε πολύν ποτε λαὸν ὀλέσσεις. The ambiguity here was similar to that in the oracular verse about Crœsus crossing the Halys; as it was uncertain in the one whether Crœsus would overthrow the Persian kingdom or his own, so in this verse it was uncertain whether the army of Alexander or of the enemy would be destroyed near Pandosia. The 'tres tumuli' near Pandosia are mentioned by Livy. Numerous other instances of ambiguous predictions respecting the place of death are collected in the note of Berneccer on Justin, xii. 2, in the edition of Gronovius. See Thuc. iii. 96, concerning the death of Hesiod at Nemea; Herod. iii. 64, concerning the death of Cambyses at Ecbatana; Plut. Flamin. 20, Paus. viii. 11, § 11, concerning the death of Hannibal at Libyssa in Bithynia; Ælian, V. H. iii. 45, concerning the oracle given to Philip of Macedon to avoid τὸ ἅρμα; and Paus. viii. 11, § 10, concerning the death of Epaminondas in the grove of Pelagos. Pausan. ib., says that the Athenians were encouraged to undertake the unfortunate expedition to Syracuse by an oracle from Dodona exhorting them to found a colony in Sicily; whereas the place meant was a hill named Sicily, close to Athens. A story is told in Serv. Æn. vi. 321, of Apollo promising the Erythræan Sibyl that her life should last as long as she did not see the Erythræan island where she then dwelt. She accordingly went to Cumæ, and when she became very old, and retained no other power than her

His death appears to have taken place in 331 B.C., just seven years after the death of Archidamus.(78) The example of his

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voice, the citizens, either from jealousy or compassion, sent her a letter sealed with Erythræan chalk. As soon as she saw it, she expired. An ambiguous prediction respecting a death at Jerusalem is said to have deceived Pope Sylvester, who died in a church so called, Robert Guiscard, who found the name at Ithaca (Anna Comnena, Alex. vi. 6), and King Henry IV. of England, who died in a room which bore the name of Jerusalem. See the commentators on the second part of Henry IV., act 4, scene 4:—

'It hath been prophesied to me many years,
I should not die but at Jerusalem;
Which vainly I supposed the Holy Land.
But bear me to that chamber; there I'll lie;
In that Jerusalem shall Harry die.'

It is mentioned in Demosth. de Halon. p. 84 (343 B.C.) that Philip gave three towns in Cassopia, namely, Pandosia, Bucheta, and Elatea, to his kinsman Alexander. There appear to have been two towns named Pandosia in southern Italy; one on the river Siris, near Heraclea (Plut. Pyrrh. 16); the other near Consentia, in the Bruttian territory; Strab. vi. 1, § 5. In this description Strabo follows the coast from Laus southwards, and makes Consentia and Pandosia maritime towns between Terina and Hipponium. Livy likewise mentions Pandosia with Clampetia and Consentia, xxix. 38. Consentia was however an inland town; its situation is well ascertained; see the art. in Dr. Smith's Dict. of Anc. Geogr. Compare Leake's Numism. Hellen. Part ii. p. 134. Pandosia seems likewise to be placed by Scylax, § 12, on the western coast of Lucania. He names it between Posidonia and Laus, to the north, and Terina, Hipponium, Medma, and Rhegium, to the south. It was the latter Pandosia near which Alexander met his fate. The foundation of Pandosia and Metapontum is placed together by the ancient chronologists, in 774 B.C. See Clinton ad ann. and Raoul-Rochette, Colonies Grecques, vol. iii. p. 163.

(78) This date is fixed by Justin, xii. 1, who states that Antipater sent Alexander intelligence of the deaths of Agis and Alexander of Epirus by the same despatch, which arrived soon after the battle of Arbela. (331 B.C.) Compare Clinton, F. H. vol. ii. p. 234. Justin further states that Alexander the Great received the news of his uncle's death when he was in Parthia, and that he ordered the army to observe it by a mourning of three days; xii. 3. Alexander was in Parthia in 330 B.C. Livy, viii. 24, likewise refers the death of Alexander to the same year as the foundation of Alexandria; as Alexandria was founded in 332 B.C., this gives a result not very different. Livy states that Alexander landed in Italy in the consulship of Manlius and Decius (340 B.C. according to Fischer); that the battle of Pæstum and the treaty with Rome were in the consulship of Cornelius and Domitius (332 B.C.), and that his death fell in the consulship of Pœtelius and Papirius. (326 B.C.) See viii. 3, 17, 24. This supposes Alexander to have been in Italy fourteen years; it likewise places his landing two years before the expedition of Archidamus, which is contrary to all probability, to the express testimony of Strabo, vi. 3, § 4, and to the order of events in Diodorus. Orosius, iii. 11, places the expedition and death of Alexander of Epirus in the year 422 U.C. (332 B.C.), and states that he was defeated and slain by the Samnites in Lucania. In c. 18, he is stated to have been defeated by the Bruttii and Lucani. The marriage

kinsman Alexander is said to have been among the inducements which determined Pyrrhus to undertake the expedition to Italy, when he was entreated by the Tarentines to assist them in their war against Rome.(79) The detailed account given by Livy of the circumstances accompanying the death of Alexander of Epirus in the Bruttian territory was doubtless derived from some contemporary Greek historian; perhaps from Theopompus, who is known to have mentioned the event in his history.(80)

§ 25 About thirty years after the death of Alexander, the Tarentines made another application to their metropolis for assistance. According to the account given by Diodorus, they sent ambassadors to Sparta, to ask for military succour, and the leadership of Cleonymus, younger son of Cleomenes II., and uncle to Areus, the reigning king. The application was readily granted. Cleonymus sailed to Tarentum, and collected, partly in Greece and partly in Italy, a force of more than 32,000 men. With this army he soon intimidated the Lucanians; he likewise levied a contribution of more than 600 talents from Metapontum, and took 200 noble virgins as hostages; but nothing is said by Diodorus of any conflict with the Romans, against whom, as well as the Lucanians, the aid of Cleonymus had been solicited. After these successes, he is described as meditating an expedition to Sicily, in order to liberate the island from the dominion

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of Alexander with Cleopatra took place in 336 B.C. This is a great landmark in Grecian history, as at his nuptials Philip was killed. Alexander never returned to Epirus from Italy; his Italian expedition therefore was not earlier than 336 B.C. If the statement of Justin that Alexander of Epirus emulated his nephew Alexander the Great, and the anecdote in Gell. xvii. 21, § 33, are true, it may be brought down to 334 B.C.—the year in which Alexander crossed the Hellespont. His death may be safely placed in 331 B.C. on the evidence stated above, and this would give about three years for his stay in Italy; which is not an improbable time. His widow Cleopatra married Perdiccas in 323 B.C. Diod. xviii. 23.

(79) In quam rem inclinatum semel animum præcipitem agere cœperant exempla majorum; ne aut inferior patruo suo Alexandro videretur, quo defensore iidem Tarentini adversus Bruttios usi fuerant, &c.; Justin, xviii. 1. Justin calls Alexander the uncle of Pyrrhus. He was in fact his first cousin once removed.

(80) Pandosiam Lucanorum urbem fuisse Theopompus (auctor est), in quâ Alexander Epirotes occubuerit; Plin. N. H. iii. 15. (fragm. 233, ed. Didot.) Theopompus was alive at the time of this expedition.

of Agathocles.(81) He removed however to Corcyra, where he established a garrison, and levied contributions on the island. After a time, hearing that the Tarentines and some of the neighbouring tribes had shaken off his yoke, he made a descent upon the Italian coast, but he sustained a defeat from the natives, and having besides lost some ships, he returned to Corcyra. Thus ended his Italian expedition. At a later date, he was at Sparta, and treacherously invited Pyrrhus to invade it, in 272 B.C., an enterprize which cost Pyrrhus his life.(82) The 200 female hostages taken by Cleonymus, at Metapontum, were mentioned by Duris of Samos, in the second book of his history of Agathocles. Duris was a contemporary writer; and as Cleonymus meditated an expedition to Sicily, in order to overthrow the dominion of Agathocles, it is very likely that his proceedings in Southern Italy were narrated in that work; and that the narrative of Duris was consulted by Diodorus.(83)

Livy places the expedition of Cleonymus in the year after that named by Diodorus.(84) He says nothing of an invitation from the Tarentines, or of a war between Rome and Tarentum; but describes Cleonymus as landing with a fleet in Italy, and taking the town of Thuriæ.(85) He states that Æmilius, the consul, being sent to attack him, drove him out of the country in a single battle, and restored Thuriæ to its rightful possessors.

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(81) The period of the dominion of Agathocles was 317—289 B.C.

(82) Diod. xx. 104-5, who places these events in the year of Cornelius and Genucius, 303 B.C. Compare Strab. vi. § 3, 4.

(83) Ap. Athen. xiii. p. 605 D.; see Fragm. Hist. Gr. vol. ii. p. 478. The works of Duris were read by Diodorus, see xv. 60. The battle of Sentinum, in which the Romans fought against the Samnites, Etruscans, Umbrians, and Gauls, in 295 B.C., was mentioned by Duris, ib. p. 479, fragm. 40. In Aristot. Mirab. Auscult. 78, a story is told of an attempt by two persons named Aulus the Peucetian, and Gaius, to poison Cleonymus the Spartan with a deadly plant which grew at Circæum, and of their being convicted and put to death by the Tarentines. This story, which refers to the expedition of Cleonymus to Tarentum, is of Greek origin, but could not have been recorded by Aristotle, who died in 322 B.C., about twenty years before this expedition. Compare above, vol. i. p. 328, n. 124.

(84) In the year of Livius and Æmilius, 302 B.C.; Livy, x. 2.

(85) Thurii appears to be intended; but if this be so, Livy commits a geographical error in placing it in the Sallentine territory.

He adds, however, that some histories represented C. Junius Bubulcus as having been sent on this expedition, but as not having arrived at the place until after Cleonymus had left Italy. Livy says nothing about the lodgment effected by Cleonymus in Corcyra, but describes with much detail a piratical expedition which he subsequently made in the upper part of the Adriatic. He landed at the mouth of the Meduacus, near Patavium, and was driven off by the Veneti, who dwelt on the spot. The details of this descent appear to be given by Livy from local information and recollections: he states that there were many persons alive in his time who remembered having seen the trophies of this expedition in the old temple of Juno: he likewise adds, that an annual combat of ships was still held in the river at Patavium, in memory of the engagement with Cleonymus.(86) Livy's account of the proceedings of Cleonymus in Southern Italy agrees very ill with that of Diodorus: it appears to be derived from Roman sources.(87)

§ 26 The city of Privernum, in the Volscian territory, is stated by Livy to have been stormed by the consul, C. Marcius, and to have capitulated to him in 357 B.C.(88) Nevertheless, in 342 B.C., the Privernates committed acts of hostility against the Romans; and in the following year they were attacked and defeated, a strong garrison was put in their town, and they were mulcted of two-thirds of their territory.(89) In 330-1 B.C., they are again at war with Rome, and are again defeated. Their reduction is chiefly memorable on account of the answers which Livy attributes to the Privernate envoy when the Senate were debating upon the treatment of the rebellious city. Being asked

(86) Rostra navium spoliaque Laconum, in æde Junonis veteri fixa, multi supersunt qui viderunt. Patavii monumentum navalis pugnæ eo die quo pugnatum est, quotannis solenni certamine navium in flumine oppidi medio exercetur; Livy, x. 2. Compare Niebuhr, Hist. vol. iii. p. 268-73; Arnold, vol. ii. p. 313—316.

(87) Niebuhr indeed thinks that Livy's account of the piratical expedition of Cleonymus is taken from a Greek writer; Lect. vol. i. p. lviii. Dr. Schmitz, however, points out that his reason for this opinion is erroneous.

(88) vii. 16.

(89) Ib. c. 42; viii. 1.

what punishment he thought his countrymen deserved: such a punishment, he replied, as is due to those who think themselves worthy of liberty. The consul, desirous of extracting a more conciliatory answer, then inquired, how long they would remain at peace with the Romans, if their punishment were remitted? 'If you give us good terms (he said) the peace will be firm and lasting; but if you give us bad terms, it will not be of long duration.' The spirited answer was admired by the Senate; they declared that the Privernates were worthy of being Romans, and the rights of Roman citizenship were conferred upon them.(90) Such is Livy's account. Dionysius, however, in an extant fragment, transfers this story to the capture of Privernum by C. Marcius, twenty-six years earlier. He describes the colloquy as taking place before the walls of Privernum, between the consul Marcius, and a deputation of citizens. The consul first asks them to tell him how they punish their rebellious slaves: they answer, 'As men ought to be punished who seek to recover their natural liberty.' Then follow the second question and answer, as in Livy.(91) This discrepancy shows that the anecdote rests upon oral tradition, rather than any authentic contemporary record.

§ 27 Since 341 B.C., an alliance had subsisted between the Romans and the Samnites; but various circumstances soon contributed to alienate the rival nations. The people of Palæpolis committed acts of hostility against the Romans in Campania, and were abetted by the Samnites. On the other hand, the Samnites complained of the Romans establishing a colony at Fregellæ, which they claimed as their possession. The Romans having sent ambassadors to demand redress, the Samnites announced

(90) Livy, viii. 19-21. The version of this story in Dio Cassius, xxxv. 11, appears to agree with that of Livy. Livy states that the Privernates were led by a certain Vitruvius Vaccus, who had a house on the Palatine hill at Rome; that after his execution his house was demolished, and the area was confiscated, kept vacant, and called 'Vacci prata;' see Becker, vol. i. p. 422. The circumstance is also mentioned by Cic. pro Dom. 38. There was also a *duplex fama* concerning the mode of taking Privernum according to Livy, ib.

(91) xiv. 23.

their intention of appealing to arms, and in 326 B.C., war was renewed between the two countries.(92) For the first time, the Romans now formed an alliance with the Lucanians and Apulians, who promised military assistance. The Lucanians, however, are said to have been speedily induced, by a stratagem resembling that practised by Zopyrus at Babylon, and Sextus Tarquinius at Gabii, to join the Samnites and Tarentines against Rome.(93)

Palæpolis, which had undertaken the war at the instigation of the Tarentines(94) and Samnites, was now besieged by the Romans, and was speedily reduced by treachery. Two inconsistent accounts of the mode by which the Romans obtained the town, are given by Livy. One represents Charilaus and Nymphius, two of the principal citizens, as arranging the surrender of the town to the Roman general, and enticing the Samnite garrison by a stratagem out of the place: the other describes the city as having been betrayed to the Romans by the Samnites. Livy however adds, that the treaty between Rome and Neapolis (which, it seems, was extant) rendered it probable that the city came voluntarily into the Roman allegiance.(95)

§ 28 In 325 B.C., the war was carried on against the Samnites by the celebrated L. Papirius Cursor, as dictator, with Q. Fabius Maximus Rullianus, as his master of the horse. The dictator, being called back to Rome by some matter relating to the auspices, left strict orders with Fabius not to fight during his absence. Fabius, however, fought one, or according to other

(92) Livy, viii. 19, 22, 23, 25; Dion. Hal. xv. 8—14. This was the beginning of the Second Samnite War. Niebuhr says that, with the exception of the Second Punic War, it is 'the greatest, most attractive, and most noble in all the history of antiquity;' Lect. vol. i. p. 351. The grounds of this opinion are not very apparent.

(93) Livy, viii. 27. The story of the Lucanian youths is discredited by Niebuhr, Hist. vol. iii. p. 189-90. See also Dion. Hal. vii. 10, who introduces the same contrivance into the story of Aristodemus.

(94) See Dion. Hal. xv. 4—7, where the embassy of the Romans to Neapolis (not Palæpolis, as in Livy), and the refusal of the Palæpolitans to accept their alliance, are related at length.

(95) Livy, viii. 22-3, 25-6, 29.

accounts, two successful battles against the enemy;(96) and sent a despatch to the Senate, not to the dictator, containing a report of his successes. Papirius, indignant at this breach of military discipline, hurries back to the camp, and orders his disobedient officer to immediate execution. Fabius is saved by the soldiers, and escapes to Rome, whither he is instantly followed by the dictator. The father of Fabius, who had filled the highest offices in the state, prevailed upon the Senate to intercede in his favour; but their intercession had no effect upon this stern assertor of the dictatorial authority. He next appealed to the tribunes, and upon their entreaties, Papirius consented to pardon the delinquent master of the horse. Papirius then returned to the army, but the soldiers, disgusted by his harshness, fought without alacrity. After a time, he regained their favour, defeated the Samnites with great loss, and compelled them to sue for peace.(97) The whole of this remarkable transaction is narrated by Livy in great detail: it contains nothing improbable, and it is highly characteristic of the Roman notions respecting the maintenance of military discipline; but as it could not have been recorded by any contemporary historian, we are at a loss to know from what authentic source Livy could have derived his circumstantial account.

Two years afterwards the war is renewed against the Samnites; they are again defeated in a great battle, and agree to surrender the prisoners and spoils taken in the previous war; but the Romans refuse to make peace with them.(98) Livy describes the battle and the subsequent proceedings in detail,

(96) Auctores habeo, bis cum hoste signa collata dictatore absente, bis rem egregie gestam. Apud antiquissimos scriptores una hæc pugna invenitur; in quibusdam annalibus tota res prætermissa est; Livy, viii. 30. By 'tota res' Livy must mean 'the entire transaction,' including the proceedings at Rome, for these all turned upon the battle fought in the dictator's absence.

(97) Livy, viii. 29-36. Compare Dio Cass. xxxvi. 1—7; Victor, de Vir. Ill. 31; Val. Max. ii. 7, § 8, iii. 2, § 9; Eutrop. ii. 8.

(98) The surrender of the Roman captives, and of Brutulus Papius, a Samnite citizen, who had been active in promoting a breach of the truce and a renewal of the war, described in Livy, viii. 39, is also mentioned in Dio Cass. xxxvi. 8. The same transaction is likewise related by Appian, Samn. 4, and Zon. vii. 26.

and adds, that some of his authorities attribute the victory to A. Cornelius Arvina, the dictator, and others to Q. Fabius and L. Fulvius, the consuls of the year. There is no doubt, he says, that A. Cornelius Arvina was dictator in that year; but it is uncertain whether he was appointed for the war, or merely for the formal purpose of giving the sign to the chariots in the Roman games. He believes that the truth of history has in this, as in other instances, been perverted by funeral orations, and false inscriptions under ancestorial portraits, for the sake of exalting particular families; and there was no contemporary historian of the time whose testimony would have decided the question.(99)

§ 29 The arrogance of the Romans in refusing the fair offers of the Samnites was, according to Appian, speedily punished by the divine nemesis.(100) In the year 321 B.C., C. Pontius, an experienced general, was commander of the Samnite army; the Roman consuls, T. Veturius Calvinus and Sp. Postumius, marched against the Samnites, and were encamped near Calatia, a town on the borders of Samnium, north of the Vulturnus. Pontius, by false information, succeeded in making the consuls believe that the Samnites were besieging Luceria, an Apulian town, to the east of Samnium. The consuls instantly marched to the relief of their allies, the Apulians, taking the most direct road, across the midland district of Italy.(101) This road led through a narrow pass in the mountains near Caudium. Livy describes

(99) Livy, viii. 38-40. See above, vol. i. p. 188.

(100) θεὸς δ' ἐνεμέσησε τῆς μεγαληγορίας, Samn. 4. Compare Dio Cass. xxxvi. 10.

(101) Livy says: Duæ ad Luceriam ferebant viæ; altera præter oram superi maris patens apertaque, sed quanto tutior, tanto fere longior; altera per Furculas Caudinas brevior; ix. 2. It is difficult to understand how one road from Calatia, on the borders of Samnium, to Luceria, an inland town of Apulia, could be said to lead along the Adriatic sea. Livy probably means that the army might have returned to Rome, have crossed Italy, and have descended the coast to Luceria. Compare c. 13, where he says: 'Exercitus alter cum Papirio consule *locis maritimis* pervenerat Arpos.' Arpi was not far from Luceria. Mr. Gandy (Craven's Tour through the Southern Provinces of Naples, p. 15, 17), is mistaken in representing Livy to state that half the Roman army went through the Caudine Pass, and half by the circuitous route.

this pass as a small plain to which there was one inlet and one outlet, through narrow defiles, covered with wood. When the Romans had reached the open space, and were about to enter the second gulley, they found it blocked up with stones and trunks of trees, and perceived the Samnite army on the surrounding heights. They then attempted to return by the way along which they had come; but this pass was now closed against them by the enemy.(102)

The Roman army, caught in this mountain pass, unable, from want of provisions, to remain in their camp, until they could be relieved from Rome, or to extricate themselves by force, were compelled to submit to the terms dictated by the Samnite general. These were, that they should lay down their arms, and be passed under the yoke, each man taking a single garment; and that a treaty should be made obliging the Romans to evacuate the Samnite territory, to remove the colonies established in it, and to place the Samnites on an equality of rights with the Romans.(103) Livy affirms that the consuls informed Pontius of their inability to made a binding treaty without the consent of the people, and without the feciales and other formalities. He assures us that the Caudine Convention was not (as was commonly believed in his time, and as had been stated even by Claudius Quadrigarius the historian) (104) a treaty, but

(102) Concerning the situation of the Furculæ Caudinæ, or Caudine Pass, see Mr. Bunbury's art. Caudium, in Dr. Smith's Dictionary. The *furca* was in general of the shape of the letter V. See Lipsius de Cruce, iii. 4, 5; Varro de L. L. v. § 117. Hence it would seem that the pass consisted of two defiles making an acute angle with each other, and meeting at the little plain described by Livy. This however is a singular pass to be selected for a road, in a country not closed by a ridge of mountains; nor does it agree with Livy's description. *Furcæ* and *furculæ* may be considered as equivalent in meaning; Livy, Florus, Eutropius, and Victor use the expression *Furculæ Caudinæ:* but the prose writers are not (as Mr. Bunbury supposes) constant in the use of this form; for Valerius Maximus twice has *Furcæ Caudinæ*. As the word *furculæ* is inadmissible in the hexameter verse in its inflected cases, and in the nominative is admissible only by means of a harsh elision, it was natural that Lucan should speak of *Caudinæ furcæ;* (ii. 137.)

(103) Livy, ix. 1-4.

(104) In eo fœdere quod factum est quondam cum Samnitibus, quidam adolescens nobilis porcam sustinuit jussu imperatoris. Fœdere autem ab

merely a *sponsio*, or provisional agreement; and that the consuls, legates, quæstors, and military tribunes were the sponsors: he adds that the names of those who were sponsorial parties to the convention were extant in his time; whereas, if it had been a formal treaty, the names of the two feciales would alone appear in the record. Six hundred horsemen were also demanded as hostages, on account of the necessary delay in completing the treaty.

§ 30 The Romans are stripped of their arms, and passed under the yoke;(105) and in this ignominious state return to Rome. The consuls name a dictator for holding comitia, and after a time, Q. Publilius Philo and L. Papirius Cursor, the two best generals of the time, are appointed in their stead. As soon as the new consuls have entered upon their office, they assemble the Senate, and bring before it the question of the Caudine Convention. Sp. Postumius, the late consul, on being called upon to deliver his opinion, gives the magnanimous advice that the convention should be disavowed by the state, and that the sponsors should be surrendered to the Samnites. His advice is adopted; Postumius and the other sponsors are taken by a

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senatu improbato, et imperatore Samnitibus dedito, quidam in senatu eum quoque dicit, qui porcam tenuerit, dedi oportere; Cic. de Invent. ii. 30. This anecdote differs from Livy's account, because it supposes the consuls to have executed a treaty in due form, and with the slaughter of a pig; see Livy, ix. 5. The variation does not however affect the substance of the obligation. The case stated by Cicero seems to be real, and not (as Niebuhr thinks, Hist. vol. iii. n. 374) an imaginary one.

(105) The *jugum* or yoke was in the form of a gallows: two upright spears, and a third attached to them transversely. See Appian, Samn. 4; Dion. Hal. iii. 22; Livy, iii. 28; Zon. vii. 17. Passing under the yoke was the greatest humiliation which could be inflicted upon an army, but it was milder treatment than selling them as slaves. Thus Livy says, in a subsequent year (307 B.C.): 'Deditio fieri cœpta, et pacti, qui Samnitium forent, ut cum singulis vestimentis emitterentur. Hi omnes sub jugum missi. 'Sociis Samnitium nihil cautum; ad septem millia sub coronâ veniere;' ix. 42. Again he relates that in 294 B.C., the consul Atilius gained a victory over the Samnites, in which he lost 7200 of his own soldiers, and took 7200 prisoners, who were passed under the yoke. When he returned to Rome, he applied to be allowed a triumph; but his application was refused, 'et ob amissa tot millia militum, et quod captivos *sine pactione* sub jugum misisset;' x. 36. In the case of Caudium, the Samnites had made a *pactio*, but not an effectual one.

fecialis to the Samnite camp; but Pontius refuses to receive them, and sends them back to Rome; at the same time he protests against the repudiation of the convention by the Romans: he maintains that they cannot release themselves from their obligation by the mere surrender of the sponsors, but are bound to place their army in the position in which it was when the convention was made.(106)

The Romans, eager to efface the ignominy which their army had sustained at Caudium, sent out two armies, one under each consul. The army of Publilius Philo attacked the Samnites near Caudium, and drove it into Apulia; Papirius Cursor marched to Luceria, which he besieged and took. Here, besides passing 7000 Samnites under the yoke (among whom, according to some accounts, was the general Pontius), he recaptured all the standards and arms which the Romans had surrendered at Caudium, and recovered the six hundred horsemen who had been given up as hostages to the Samnites. Livy remarks, that his authorities left it in uncertainty whether these great victories were gained by L. Cornelius, as dictator, with Papirius Cursor as master of the horse, or by the consuls, Papirius Cursor and Publilius Philo. He likewise adds, that, in the following year, it is uncertain whether the consul with Q. Aulius Cerretanus was L. Papirius Cursor or L. Papirius Mugillanus (319 B.C.). (107) A similar doubt between L. Papirius Cursor and L. Papirius Mugillanus also existed with respect to the year 326 B.C.(108)

§ 31 Livy's narrative of the Caudine disaster, and of its consequences, is in the highest degree animated and picturesque; and the accounts of Appian, Dio Cassius, and the others, though less circumstantial, agree with it in the material points. Much

(106) Livy, ix. 1—11; Dion. Hal. xvi. 3-5; Appian, Samn. 4; Dio Cass. xxxvi. 9—20 (the paragraphs 11 to 14 are from the speech of Herennius), Zon. vii. 26; Gell. xvii. 21, § 36; Cic. de Off. iii. 30; Val. Max. v. 1, ext. § 5, vii. 2, ext. § 17; Flor. i. 16, § 9; Eutrop. ii. 9; Oros. iii. 15.

(107) Livy, ix. 12-15; Dio Cass. xxxvi. 21-3; Flor. et Zon. ib.

(108) Livy, viii. 23.

of the story is, however, involved in doubt and obscurity. According to Livy, the false news by which Pontius enticed the Romans into the Caudine Pass, was a report that the Samnites were besieging Luceria; and he assumed that they would lose no time in marching to the assistance of such good and faithful allies as the Lucerines; a step which they in fact took.(109) Now Livy had stated that in 326 B.C. the Apulians, as well as the Lucanians, nations with which the Romans had hitherto had no relations, offered to become their allies, and to furnish men and arms for war; and that a treaty was made with them.(110) In a subsequent year, however (323 B.C.), he states that the consuls, C. Sulpicius and Q. Æmilius (or Q. Aulius, for there was a doubt as to the name of the second consul,)(111) marched separately against the Samnites and Apulians—some writers indeed described the consul as defending certain allies of the Apulians against the Samnites; Livy however discredits this account, and thinks that the Apulians themselves were attacked.(112) He likewise mentions that some historians represented Q. Fabius the consul as having invaded Apulia in the year before the Caudine surrender, and having collected much plunder in it.(113) It may be added that Fabius is recorded in the Capitoline Fasti as having triumphed in that year over the Samnites and Apulians.(114) After this account of the relations of Rome with Apulia, it seems strange that the Romans should be described as showing so much alacrity to relieve the Lucerines; for the consuls march to their relief by the most direct road, through a difficult, dangerous, and hostile country, without waiting to ascertain what obstacles lie in their

(109) The same statement occurs in Vict. de Vir. Ill. 30.

(110) Livy, viii. 25.

(111) Aulium quidam annales habent, Livy says. According to Diod. xviii. 18, the consuls are C. Sulpicius and C. Ælius.

(112) viii. 37.

(113) Fabium etiam in Apuliam processisse, atque inde magnas prædas egisse (quidam auctores sunt); ib. c. 39.

(114) In Victor de Vir. Ill. 32, it is stated that Q. Fabius first triumphed 'de Apulis et Nucerinis,' where *Lucerinis* seems to be the preferable reading.

course. These 'good and faithful allies' had, according to Livy's own account, first made a treaty with Rome only five years before; since which time, they had broken the treaty, had been attacked by two consular armies, and were at this moment actually in a state of hostility with the Romans. Either therefore the previous accounts of the relations of Rome and Luceria are inaccurate, or the stratagem by which Pontius drew the Romans into the Caudine Pass is falsely reported; the two cannot be reconciled. Nor does the subsequent history of Luceria accord very well with the supposition that it was a town strongly attached to the Romans. Immediately after the calamity at Caudium, it falls into the hands of the Samnites, and they deposit in it, not only all the spoils taken on that occasion, but the six hundred Roman hostages. It was captured in 319 B.C., by Papirius,(115) but five years later the Roman garrison was betrayed to the Samnites, and the place fell again into their power: the Romans soon recovered it, put all the Lucerines and Samnites to the sword, and, after doubting whether the town should not be demolished for its rebellious spirit, decided on occupying it with a colony of 2500 Roman citizens (116)

The situation of the town of Caudium is well ascertained; but the position of the Caudine Pass cannot be clearly identified with any part of the neighbouring country. The valley of Arpaia, which has been generally assumed to have been the scene of the Roman surrender, does not at all agree with Livy's description: the valley of the Isclero has been proposed as fulfilling the conditions of the problem; but though it may be a narrow pass, it is not stated to consist of an open valley lying between two defiles.(117) Livy's description of the Roman

(115) Ib. c. 12, 13, 15. All Apulia is stated to have been reduced in the following year; c. 20.

(116) Ib. c. 26. The colony to Luceria is also mentioned by Diod. xix. 72. Velleius, i. 14, places the colonizing of Luceria in 325 B.C. (seven years after 332 B.C.) According to Livy, the date is 314 B.C., a difference of eleven years.

(117) See Mr. Bunbury's art. cited above; Blewitt's Handbook of Southern Italy, p. 501.

army in the Caudine defiles would lead one to suppose that its situation resembled that of the English army in the Khyber Pass; but the nature of the country between Capua and Beneventum forbids any such supposition. Cicero speaks in two places of a battle having been fought at Caudium;(118) and it has been inferred from an expression in Appian that he meant to describe the surrender as having been preceded by loss of life on a large scale.(119) It is, however, uncertain how far Cicero's language is to be construed strictly: and Appian's narrative (which is perhaps borrowed from Dionysius) (120) clearly excludes the idea of a battle having been fought; for he says that the Romans yielded to hunger, and that 50,000 men laid down their arms. Livy's detailed account supposes that the Romans laid down their arms without a blow being struck. He mentions no discordant version (as he is in the habit of doing), according to which the capitulation was preceded by a battle: nor is it likely that the Roman historians should have concealed a previous defeat, in order to diminish the disgraces of their country: for there was more dishonour in an army of 50,000 men submitting to the enemy without resistance, than in capitulating after a defeat in a well-fought battle on unequal ground. The remains of the legions of Cannæ are likewise described by Livy as saying, in their address to Marcellus in 212 B.C., that the Roman army laid down its arms at Caudium without a struggle.(121)

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(118) At vero T. Veturius and Sp. Postumius, cum iterum consules essent, quia, cum male pugnatum apud Caudium esset, legionibus nostris sub jugum missis, pacem cum Samnitibus fecerant, dediti sunt his; injussu enim populi senatusque fecerant; De Off. iii. 30. Cum C. Pontio Samnite, patre ejus a quo Caudino prælio Sp. Postumius, T. Veturius, consules superati sunt; De Sen. 12.

(119) *σύμπαντες ὅσοι μετὰ τοὺς διεφθαρμένους ἦρχον*, Samn. 4. Niebuhr thinks that 'it was not till after a frightful defeat that they were shut in, and obliged to capitulate;' Hist. vol. iii. p. 211. Dr. Arnold adopts the same view, vol. ii. p. 214. Arguments founded on the numbers of the legions are too uncertain to have any weight.

(120) Niebuhr says that Appian is here to be regarded as a mere abbreviator of Dionysius; ib. p. 212.

(121) Ad Alliam prope omnis exercitus fugit: ad Furculas Caudinas, nec expertus quidem certamen, arma tradidit hosti; ut alias pudendas

The statement of Livy, that the names of the sponsors to the treaty were extant in his time, implies the existence of a record which he believed to be authentic, and probably contemporary. The account of the repudiation of the treaty has not only nothing improbable, but the circumstances are very characteristic of the Roman disposition and policy. According to the modern law of nations, a general has full powers to conclude military conventions with the enemy, but he cannot bind the national faith for matters lying beyond this sphere, and his government is not pledged by his acts if they exceed what is necessary for military purposes.(122) The Roman consuls acted under similar rules; and the Senate and people were doubtless entitled to refuse their sanction to the treaty, if they desired to withhold it, without delivering up the soldiers who were included in the capitulation.(123) If the fecial law of the Romans required

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clades exercituum taceam; Livy, xxv. 6. Compare Livy's account of the disaster of the consul Marcius, whose army was surrounded in a defile by the Ligurians, in 186 B.C.; Livy, xxxix. 20.

(122) See Vatel's Law of Nations, b. iii. § 237-8.

(123) The conduct of the Romans with reference to the Caudine convention has been discussed by the principal writers on the Law of Nations: see Grotius de J. B. et P. ii. 15, § 16; Puffendorf, Law of N. and N. viii. 9, § 12; Vatel, b. ii. § 209-212. The argument of the latter is luminous and satisfactory. 'If (he remarks) the Samnites had only required of the Roman generals and army such engagements as the nature of their situation, and their commission, empowered them to enter into; if they had obliged them to surrender themselves prisoners of war; or, if from their inability to hold them all prisoners, they had dismissed them upon their promise not to bear arms against them for some years, in case Rome should refuse to ratify the peace, the agreement would have been valid, as being made with sufficient powers, and the whole army would have been bound to observe it; for it is absolutely necessary that the troops, or their officers, should have a power of entering into a contract on those occasions, and upon that footing;' § 211. Thomasius, in a Dissertation 'de Sponsione Romanorum Caudinâ,' cited by Barbeyrac on Grotius, controverts the opinion of Grotius, and maintains that the Romans were bound to ratify the treaty, or to restore things to the state in which they were at the time when it was made. Mommsen, Röm. Gesch. vol. i. p. 238, is of opinion that the conduct of the Roman Senate with respect to the Caudine convention, does not deserve any blame. Niebuhr thinks that the repudiation of the Caudine treaty is 'the most detestable act in Roman history:' he says that 'the peace was broken in a most unprincipled manner,' and that 'this act forms a glaring contrast with the noble generosity of C. Pontius;' (Lect. vol. i. p. 366-368.) In his History he speaks of 'the breach of the Caudine peace, which nothing can

that the sponsors to the treaty should be surrendered to the enemy, it required more than the international law of modern times. The terms prescribed by the Samnite general, and agreed to by the Roman officers, were not harsh or unreasonable;(124) and if the foreign policy of the Romans had been moderate, equitable, and unaggressive, the Senate and people might have ratified the treaty; but it was clearly beyond the competence of the consuls in their capacity of military commanders.

Livy states that two of the tribunes of the plebs were among the sponsors, and that they protested against being delivered to the Samnites, on the ground that the surrender would not release the people from their obligation, that they did not deserve punishment for an act which had saved the Roman army, and that their persons were sacred. These objections are combated by Postumius, who suggests, that if they are not surrendered with the other sponsors, they should be surrendered at the expiration of their term of office, with the addition of a previous flogging in the Comitium, in order to compensate for the time during which they remained in impunity. At length, the two tribunes consent to resign their offices, and are surren-

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excuse;' vol. iii. p. 266. This judgment is however founded on a peculiar hypothesis of his own; which, as was shown above, is contradicted by the evidence. Dr. Arnold likewise appears to take an unfavourable view of the conduct of the Romans on this occasion. After remarking that 'the chronology and history of these events are alike so meagre or so wilfully falsified, that it is scarcely possible to ascertain either the dates or the real character of the transactions which followed:' he adds that 'the Romans were as regardless of their own individual feelings as of the laws of justice and good faith, when either were set in the balance against national pride and ambition;' Hist. vol. ii. p. 223-4, and lower down, he says that Pontius 'had spared the lives and liberties of two Roman armies, and, unprovoked by the treachery of his enemies, had afterwards set at liberty the generals who were given up into his power as a pretended expiation of his country's perfidy;' ib. p. 365. Compare Mach. Disc. iii. 42.

(124) The terms according to Livy were that the Romans should evacuate the Samnite territory, and withdraw their colonies, and should secure them perfect independence, and the power of living under their own laws; ix. 4. According to Appian, Samn. 4, the terms were to restore all territory belonging to the Samnites, to withdraw the colonies, and the capitulating army never to fight against the Samnites. Zonaras, vii. 26, states the conditions to have been that the Romans should evacuate their territory, and be their allies with equal rights.

dered with the others.(125) Conjectural explanations of the participation of the tribunes in the treaty have been proposed;(126) as to which no certainty can be attained. It is however certain, that the hypothesis of Niebuhr, who supposes that the treaty was ratified by a plebiscitum, and that the tribunes were surrendered as having been parties to this ordinance,(127) is contrary to the express testimony on the subject. Livy's narrative clearly indicates that the two tribunes were implicated because they had been among the sponsors. We must therefore suppose that they were in the camp when the capitulation was made;(128) and that they must have joined in the treaty before they could have communicated with Rome. His account excludes the idea that the people and Senate differed as to the treaty, and that the former ratified it, while the latter repudiated it. Moreover, if the people had ratified the treaty, there is no reason why two only of the tribunes should be mentioned, and why the others should be passed over in silence. Cicero likewise expressly

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(125) ix. 8-10. The names stated by Livy are L. Livius and Q. Mælius. Cicero alludes to the same fact, but gives a different name to one of the tribunes. 'At vero T. Veturius et Sp. Postumius, cum iterum consules essent, quia, cum male pugnatum apud Caudium esset, legionibus nostris sub jugum missis, pacem cum Samnitibus fecerant, dediti sunt his; *injussu enim populi senatusque fecerant.* Eodemque tempore Ti. Numicius, Q. Mælius, qui tum tribuni plebis erant, *quod eorum auctoritate pax erat facta,* dediti sunt, ut pax Samnitium repudiaretur;' De Off. iii. 30. Cicero here says that the two tribunes were surrendered, because they had authorized the making of the treaty, which agrees with Livy's account. He does not say that they were surrendered, because the people had ratified the treaty. It may be observed that Niebuhr in quoting this passage, (vol. iii. n. 384) suppresses the important words, 'injussu enim populi senatusque fecerant,' which contradict his own hypothesis. Eutropius, ii. 9, likewise says: 'Pax tamen a senatu et populo soluta est.'

(126) See Niebuhr, Hist. ib. n. 382.

(127) Ib. p. 221; Lect. vol. i. p. 367.

(128) It seems that tribunes of the plebs were at this time sometimes sent on missions to the consuls in the field; a case is mentioned by Livy, ix. 36, where five legates of the Senate, with two tribunes, go on a mission to Fabius in Etruria. Another remarkable case occurs in Livy, xxix. 20, in 204 B.C. It appears that the Senate had not, in strictness, the power of controlling the actions of the consuls in the field; if therefore they wished to send out some field deputies, it was natural that some tribunes, as representing the popular interest, should be associated with the more immediate delegates of the Senate: though the proceeding was irregular. Compare Becker, ii, 2, p. 286, who explains the subject.

states, that the consuls were surrendered because the treaty had been made without the consent of the Senate and people.

The subsequent successes of the Romans against the Samnites at Caudium and Luceria, the recovery of the lost standards and of the hostages, and the passing of 7000 Samnites, with their general Pontius, under the yoke, are rejected by Niebuhr, as figments of Roman vanity.(129) It is however a dangerous and uncertain mode of criticism to insert defeats of the Romans, and to erase their victories, upon mere conjecture; when the general course of the history shows that, in the end, they must have been triumphant.(130) The retreat of the English army from Afghanistan, through the Khyber Pass, was more disastrous than the Roman capitulation at Caudium. If Niebuhr's historical method were adopted, some future historian might discredit the subsequent campaign under generals Pollock and Nott, and the recapture of Caubul, as fictions invented in order to cancel the disgraces, and to flatter the national pride of the English.

Niebuhr further contrasts the magnanimity of Pontius, his good faith, and the moderation of his demands, with the perfidy and rapacity of the Romans. Now there is no part of the Caudine story which has been related by a greater number of

(129) Hist. vol. iii. 222-5; Lect. vol. i. p. 368. Niebuhr thinks that 'the hostages were either given back, or if they did not die in captivity, were ransomed one by one, when their death after all would have satisfied only a useless cruelty.' Similar views are taken by Dr. Arnold, vol. ii. p. 226-9. The recovery of the hostages is stated by Livy, and also by Zonaras. Dionysius, xvi. 3, likewise mentions the passing of Pontius and his army under the yoke. The spokesman of the legions of Cannæ, in 212 B.C., in Livy, xxv. 6, alludes to the Caudine legions as having obtained their vengeance by passing their conquerors under the yoke. 'Ut Caudinæ legiones, quæ sine armis redierant Romam, armatæ remissæ in Samnium, eundem illum hostem sub jugum miserint, qui hâc suâ ignominiâ lætatus fuerat.'

(130) Dr. Arnold remarks that, at this time, 'Rome was continually becoming more powerful, and the various attempts made by several of the Italian nations to check her growing supremacy, served only to set in a clearer light the greatness of her resources.' 'Northwards and southwards, in the central Apennines, and on the coast of the Adriatic, the Roman power was alike irresistible, and Rome towered above the nations who were jointly or severally assailing her, like one of the heroes of the Homeric poems when beset by a multitude of common men;' Hist. vol. ii. p. 243-4.

ancient authors, than the advice of Herennius to his son Pontius, to liberate the Romans without ignominious conditions, or, if he did not adopt this course, to put them all to death; but to follow no middle line.(131) In this anecdote, which rests on the same foundation as the other parts of the narrative, Herennius appears superior to his son, both in magnanimity and wisdom. Livy expressly mentions that Herennius advised, as the best course, that the Romans should all be liberated unhurt; and that he pointed out the inexpediency of irritating them by disgrace, while their power remained unimpaired.(132) The abstinence of Pontius from putting two consular armies to death, or selling them as slaves, may as reasonably be attributed to fear as to clemency: he probably resorted to as severe a measure as he could venture to use. Nor does his restoration of the Roman sponsors imply any generosity on his part, for their detention would have amounted to an admission that the Romans were justified in repudiating the treaty, which he is represented as denying. Whatever his merits may have been, they do not appear to have been recognised by his own countrymen; for after the Caudine convention, his name does not recur during the remaining seventeen years of the Second Samnite War, a struggle of remarkable pertinacity;(133) nor does he again appear

(131) The advice of Herennius is related by Livy, Valerius Maximus, Florus, Appian, and Dio Cassius. In his Lectures, Niebuhr says that C. Pontius is 'one of the greatest men of antiquity;' (vol. i. p. 363); but he completely misrepresents the advice given by Herennius, when he says that the first recommendation was to put all the Romans to death, and that when the son remonstrated against the inhumanity of such a course, he counselled their liberation without injury. (p. 365.) Livy and the other writers agree in stating that the first advice of Herennius was that the Romans should be dismissed unharmed; and that when his son rejected this advice, (on account, we may presume, of its too great leniency,) he recommended that they should all be put to death. In his History, Niebuhr does not invert the anecdote, but he discredits it: 'The words of the old man (he there says) had certainly another meaning in the tradition of the Samnites, from what the Romans pretended to see in them;' vol. iii. p. 215. Compare Machiavel, Disc. iii. 40, who recites the anecdote correctly.

(132) The conversation between the father and son, in Appian, agrees in substance with that in Livy: as do the remains of the speech of Herennius in Dio Cassius.

(133) Livy does not in general name the Samnite commanders: but

on the stage until the close of the Third Samnite War, 292 B.C., twenty-nine years after the Caudine disaster, when he was taken prisoner by the Romans, and, after having been led in the triumph of Q. Fabius Gurges, was beheaded,(134) according to the inhuman practice of the Romans:(135) a measure which bears the stamp of vindictive cruelty, but which does not prove that, after his long inaction, the Romans considered him a formidable enemy.(136)

Official notices and records of the Caudine convention (such

Statius Gellius is mentioned by him as a Samnite general in the Second War, (ix. 44,) Gellius Egnatius and Staius Minucius in the Third; x. 19, 20.

(134) Niebuhr says: 'The persecution of Hannibal is unworthy, the death of Perseus horrible, that of Jugurtha cruel; but the greatest stain in the Roman annals is the execution of C. Pontius;' Hist. vol. iii. p. 217. In his Lectures, he says: 'Roman history has no greater stain than this; the fate of Pontius even at this day deserves our tears, and the conduct of Rome towards her generous enemy, our curse;' vol. i. p. 404. 'Such a murder, committed or sanctioned by such a man as Q. Fabius, is peculiarly a national crime, and proves but too clearly that, in their dealings with foreigners, the Romans had neither magnanimity, nor humanity, nor justice;' Arnold, ib. p. 365. 'The Romans, after all danger to themselves was over, could murder in cold blood the Samnite general, C. Pontius, to whom they owed not only the respect due to a brave enemy, but gratitude for the generosity with which he had treated them in his day of victory;' ib. p. 416.

(135) The remarks of Cicero, Verr. v. 30, show that the execution of generals led in a Roman triumph, was considered a matter of course—so that the execution of Pontius may not have had any peculiar reference to the disgrace at Caudium.

(136) Cato is introduced by Cicero, in the work de Senectute, c. 12, as declaring that a dialogue took place in the consulship of L. Camillus and Appius Claudius (349 B.C.), at Tarentum, between Plato, Archytas, and the father of C. Pontius, the Samnite general at the Caudine disaster: that he had heard this fact from a certain Nearchus who had entertained him at Tarentum when he was a youth, and that Nearchus had learnt it from some of his seniors. A real dialogue is evidently intended; similar to that mentioned in Athen. xii. 64; and not a fictitious composition, according to the hypothesis of Niebuhr, Hist. vol. iii. n. 373; Lect. on Anc. Hist. vol. iii. p. 148. It could not however have taken place at the time stated, if Plato was present at it; for Plato died very old in 347 B.C., and his last visit to Sicily was about 361 B.C. The intercourse of Cato with Nearchus took place (according to Plut. Cat. Maj. 2), after the capture of Tarentum by Fabius Maximus in 209 B.C. Even if we take the date of Cicero, and suppose that the presence of Plato is a fable, the conversation of Archytas and the father of Pontius must have preceded the time when Cato conversed with Nearchus by 140 years. This interval does not admit of Nearchus having received the account from a person who was living at the time when the supposed dialogue took place.

as the list of sponsors mentioned by Livy) may have been, and probably were, preserved in the Roman archives;(137) but we have no reason for believing that any connected narrative of the transaction was written by a contemporary historian, or even by a historian who derived his information directly from contemporaries. All our positive testimony, indeed, directly negatives such an idea.(138) The grandfather of Fabius Pictor, the earliest historian, is reported to have painted the Temple of Salus in 450 U.C. (304 B.C.);(139) which was seventeen years after the Caudine treaty. The narrative must, apparently, have been framed from traditionary recollections: but what the accuracy or value of these may have been, we have no certain means of judging. The Caudine disaster was calculated to leave deep traces on the national memory.(140) We may be entitled to consider the narrative, in its general outlines, as resting on a historical basis; but our knowledge is insufficient to enable us to judge of its details, and still less are we entitled to accuse Livy of having wilfully falsified the account.(141) Whatever may have been the materials from which the original narrative was constructed, we doubtless have it in the form in which it was presented by

(137) See above, vol. i. p. 146.

(138) See above, ch. iii. § 1. Livy, viii. 40, speaking of the year immediately preceding the Caudine capitulation, expressly says: 'Nec quisquam æqualis *temporibus illis* scriptor extat, quo satis certo auctore stetur.'

(139) Plin. xxxv. 7; above, vol. i. p. 38, n. 94. Livy mentions that the contract for building this temple was given out by the censor in 306 B.C. (ix. 43), and that the temple itself was dedicated in 302 B.C. x. 1;

(140) Livy says that when Fabius was about to enter the Ciminian wood in 310 B.C., all the army thought of the Caudine surrender; ix. 36. The Samnites are represented as referring to it at the same time; ib. 38. The Faucian curia is likewise stated to have been considered unlucky, as having been the first in the year both of the Gallic capture of the city, and of the Caudine disaster—to which Licinius Macer added the Cremera; ib. 38. Reminiscences of the Caudine disgrace, during the Second Punic War, are mentioned by Livy, xxiii. 42, xxv. 6. Compare above, vol. i. p. 118, n. 78.

(141) See Niebuhr, Hist. vol. iii. p. 212-3, 221. In p. 222, he accuses 'the annalists' of having fabricated the story of the recovery of the Roman hostages and standards. In his Lectures, however, he says that 'Livy has corrupted and distorted the history of the whole of the year following, by stating that in it the Romans, at the conquest of Luceria, recovered their hostages;' vol. i. p. 366. Dr. Arnold considers the account of the Caudine treaty to have been falsified by 'the annalists;' vol. ii. p. 226.

Fabius and his successors, long before it was adopted and repeated by Livy.(142)

§ 31 The history of the remainder of the Second Samnite War, down to the year 304 B.C., is related by Livy with considerable detail. His narrative is indistinct and incoherent, and it differs in many material points from the notices of Diodorus, which recur at close intervals during this period, though as to the general course and chronology of the war, the accounts of the two historians agree.

The war was continued in Campania: in 315 B.C., the Romans obtained the town of Saticula, but lost Plestia and Sora.(143) Soon afterwards the Samnites seem to have been victorious in a battle at Lautulæ (near Anxur), in which Q. Aulius, the master of the horse, was killed ;(144) but the Romans speedily regained the superiority, and in a few years had nearly brought the war to an end.(145) It may be remarked, that with regard to

(142) A senatus-consultum concerning the Tiburtines, published from a brazen plate, now lost, is referred by Niebuhr to the Second Samnite War, and to about the time of the Caudine treaty; Hist. vol. iii. p. 265. Visconti has referred it to the time of the Social War. The language seems to prove that it must be considerably later than the time indicated by Niebuhr. See Klotz, Lat. Litt. p. 313.

(143) Livy, ix. 21-3; Diod. xix. 72.

(144) Livy, ib. 23, first says that the battle of Lautulæ ended without advantage to either army. He then adds: 'Invenio apud quosdam, adversam eam pugnam Romanis fuisse, atque in eâ cecidisse Q. Aulium, magistrum equitum.' He had already given a circumstantial account of the death of Aulius in an equestrian battle near Saticula. Diodorus, ib. describes the Romans as completely routed at Lautulæ, and Aulius dying in order to avoid the disgrace of flight. The Capitoline Fasti record the death of Aulius in battle at this time.

(145) See Livy, ix. 24-9, 31; Diod. xix. 76, 101, xx. 26. Cinna, a place near which the Romans defeat the Samnites, in Diod. c. 76, is an unknown and probably corrupt or inaccurate name. The account, ib., of C. Mænius, dictator, and M. Fulvius, master of the horse, being sent to inquire about the revolt of the Campanians, also occurs in Livy, c. 26. Livy calls the master of the horse M. Foslius. Diod. xix. 2, likewise has Fulvius for Foslius, as one of the consuls for the year 318 B.C. The recovery of Fregellæ is attributed by Diod. c. 103 to Fabius; by Livy, c. 28, to Poetelius. Diod. ib. mentions the capture of Κελία and Nola in the same year. Κελία appears to be a corruption or error for Calatia, which is mentioned at the same time by Livy, c. 28. The colony to Pontiæ occurs both in Livy and Diodorus. Livy speaks of 'profligatum fere Samnitium bellum;' c. 29. (313 B.C.) The narratives of Livy and Diodorus are quite inconsistent with Niebuhr's view that the defeat of Lautulæ inflicted

the capture of Nola, in 313 B.C., there was, according to Livy, a doubt similar to one which was mentioned above. Some histories gave the credit of this achievement to the dictator Poetelius; while others assigned it to the consul C. Junius, and represented Poetelius as having been appointed dictator merely for the formal purpose of driving a nail into a temple in order to mitigate a pestilence.(146)

The subsequent capture of Allifæ, in the valley of the Vulturnus, by the consul Marcius, is mentioned both by Livy and Diodorus.(147) He afterwards engages the Samnites with doubtful success; and the Senate send to Fabius, the other consul, calling upon him to name Papirius Cursor dictator; an act which he does reluctantly, and in silence, on account of the treatment formerly experienced from him, as his master of the horse. In the battle subsequently gained by Papirius, the Samnites wore highly ornamented armour, and shields embossed with gold and silver. In his triumph, the gold shields were hung up in the silversmiths' forum; and hence, according to Livy, the custom for the ædiles to ornament the forum for certain pro-

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a deep wound upon Rome, and that 'the situation of the republic was not more threatening after the battle of Cannæ;' Hist. vol. iii. p. 230. In his Lectures, he says: 'This victory produced a mighty revolution; for the Samnites now spread into Latium;' vol. i. p. 370. No such advance however is mentioned either by Livy or Diodorus. Livy's account (c. 31) of the operations against the Samnites in the year of Junius and Æmilius (311 B.C.) differs altogether from that of Diodorus; xx. 26. See Niebuhr, ib. p. 244; Arnold, ib. p. 247. The latter remarks that 'if we compare Livy's account with that of Diodorus, no one would suspect that both writers were describing the events of the same war and the same period.'

(146) Livy, ix. 28. The Capitoline Fasti for this year state that C. Poetelius was dictator rei gerundæ causâ, and not clavi figendi causâ, as is affirmed by Niebuhr, ib. p. 236.

(147) Livy, ix. 38; Diod. xx. 35. There is a direct conflict of testimony between Livy and Diodorus with respect to the Marsi in the consulship of Decius and Fabius, 308 B.C. Diod. xx. 44, states that the consuls assisted the Marsi who were attacked by the Samnites; that they had the superiority in the battle, and killed many of the enemy. Livy, on the other hand, states that Decius alone went into Samnium, and that a battle which he fought with the Samnites was rendered memorable only by the fact that the Marsi fought in it for the first time against the Romans; ix. 41. Four years later, the Marsi are described as suing for peace with Rome, and obtaining a treaty; ib. 45. They are likewise defeated, and mulcted of a part of their territory, in 302 B.C.; Livy, x. 3.

cessions took its origin. It is added, that the Campanians, from hatred of the Samnites, copied this armour for the gladiators, and called it by their name.(148) Livy and Diodorus agree in describing the Romans as gaining great advantages in the years 306 and 305 B.C.,(149) and they both state that in the following year the Samnites submitted to the treaty imposed upon them by their victorious enemy.(150)

During the later years of this war, hostilities with the Etruscans, which had some years been intermitted,(151) were renewed. The campaign was begun by the Etruscans, who attacked Sutrium; but were defeated near it by the Romans. After this victory, Q. Fabius crossed the Ciminian wood, which

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(148) Livy, ix. 38-40; Dio Cass. xxxvi. 26. These origins are considered as historical by Niebuhr, ib. p. 248.

(149) Livy, ix. 43-5; Diod. xx. 80, 90, 101. The march of the consuls Marcius and Cornelius into Iapygia (B.C. 306), in Diod. c. 80, seems to correspond with the campaign of the consul Volumnius, against the Sallentini, in Livy, c. 42. (B.C. 307.) The capture of Statius Gellius, the Samnite general, and the recovery of the towns Sora, Arpinum, and Censennia are mentioned by both historians (Livy, c. 44; Diod. c. 90): the general is called C. Gellius, and the two latter towns Harpina and Serennia by Diodorus. Bola in Diodorus is likewise a manifest error for Bovianum, whose capture is mentioned in Livy. See Niebuhr, ib. p. 257. There were discordant accounts concerning the early part of the campaign of 305 B.C. 'Alii haud dubie Samnites victos, ac viginti millia hominum capta tradunt; alii marte æquo discessum, et Postumium, metum simulantem nocturno itinere, clam in montes copias abduxisse;' Livy, c. 44. In the same place, Livy mentions that Piso had in his history omitted two pairs of consuls (Claudius and Volumnius, Cornelius and Marcius) at this period (307-6 B.C.), but whether from inadvertence, or intentionally, did not appear.

(150) Diod. xx. 101, says that the Romans and Samnites made peace with one another, after a war of twenty-two years and six months (326—304 B.C.). Livy, ix. 45, says: 'Fœdus antiquum Samnitibus redditum.' By this he evidently understands an unequal treaty; for in the Caudine convention, the Samnites stipulated for an equal treaty (above, p. 453, n. 124), and the convention was repudiated by the Romans. Dionysius represents the Romans, in the negotiations before the Third Samnite War, as calling the Samnites their subjects. (xvi. 13.) Compare Niebuhr, ib. p. 259; Arnold, ib. p. 264. Zonaras, viii. 1, gives an account, which apparently refers to the latter part of the Second Samnite War, of a defeat of the Romans under the consul C. Junius (Bubulcus) near Averna.

(151) Niebuhr attributes the pacific relations between Etruria and Rome at this period to the danger from the Gauls, who kept the attention of the Etruscans directed to their northern and eastern frontiers; Hist. vol. iii. p. 275. Compare above, p. 298.

was at that time considered impassable by an army;(152) but with regard to the rest of the campaign, there were conflicting accounts. Some said that the Etruscans again concentrated their forces near Sutrium, and that Fabius, having ravaged Upper Etruria, returned and defeated them: others, that he advanced as far as Perusia, and that his second victory over the Etruscans was gained near that town.(153) The latter version is that followed by Diodorus.(154) Both historians agree in stating that treaties with Perusia, Cortona, and Arretium, were the result of this campaign. Livy describes, in a subsequent year, a campaign under M. Valerius Maximus, against the Etruscans, in which they are defeated; a war contribution is levied upon them, and they are glad to sue for peace; but the Romans only grant them a truce for two years. He adds, however, that, according to some accounts, the dictator fought no battle, and quieted Etruria by the mere arrangement of political parties.(155) There was further a discrepancy in Livy's authorities as to the name of the master of the horse for this year: some stated that it was M. Æmilius Paullus; others, that it was Q. Fabius Maximus.(156) The Capitoline Fasti differ from both these versions, for they make Q. Fabius Maximus, and not M. Valerius Maximus, the dictator, and M. Æmilius Paullus the master of the horse.

§ 32 An interval of only five years separated the second from the third Samnite war; so that the treaty by which the

(152) Livy states that five envoys, with two tribunes of the plebs, were sent to Fabius, in order to prevent him from crossing the Ciminian wood, but that they luckily arrived too late; ix. 36. This incident shows that tribunes of the plebs sometimes were sent on missions to the armies at this time. See above, p. 454, n. 128.

(153) Livy, ix. 32, 35-7; Frontin. i. 2, 2.

(154) Diod. xx. 35. Niebuhr decides in favour of the latter account; ib. p. 280, 282; Lect. vol. i. p. 381.

(155) Habeo auctores sine ullo memorabili prœlio pacatam ab dictatore Etruriam esse, seditionibus tantum Arretinorum compositis, et Cilnio genere cum plebe in gratiam reducto; x. 5.

(156) x. 3. It is difficult to see the force of Livy's remark: 'Ceterum ex Maximi cognomine ortum errorem haud abnuerim.' According to him, the doubt lay between Æmilius and Fabius, not between Valerius and Fabius. If the question had been between the version of the Capitoline Fasti, and Livy's version, the remark would be intelligible.

former war was terminated proved little more than a truce. That treaty was made in the year 304 B.C.; in 298 B.C., the Lucanians came to the Romans to ask assistance against the Samnites. The request was granted. According to Livy, feciales were sent to require the Samnites to withdraw their army from the territory of the Lucanians; but they received on their way a message informing them, that if they ventured to address any federal assembly of the Samnites, their persons would not be respected. As soon as this fact was known at Rome, the Senate and people declared war against the Samnites.(157) Dionysius, on the other hand, in an extant fragment, gives an entirely different account of the transaction. According to his version, the Samnites received the communication of the Romans, and stated in answer, that the treaty did not prohibit them from making war against a third power, without the consent of Rome; and that the alliance of Rome with the Lucanians had been entered into since they were at war with the Samnites. The Romans replied that, by the late treaty, the Samnites had become the subjects of the Romans, and must now obey the orders of their superiors; if not, they must prepare for war. The Samnites, thinking the arrogance of this language intolerable, dismissed the ambassadors, and decreed war against Rome. Such, adds Dionysius, was the patent and avowed cause of the war: the real, but unavowed cause was, the power of the Samnites, and the fear of its increase, in case they should succeed in reducing the Lucanians under their dominion.(158)

The first campaign under the consuls L. Cornelius Scipio and Cn. Fulvius (of which we have conflicting accounts), appears to

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(157) Livy, x. 11, 12. One of the consuls for the year 298 B.C. was L. Cornelius Scipio, 'the first Roman (as Dr. Arnold remarks) of whom a contemporary record has reached our times. Yet (he continues) such are the perplexities of the uncertain history of these times, that no one action recorded in Scipio's epitaph is noticed by Livy, while no action which Livy ascribes to him is mentioned in his epitaph;' Hist. vol. ii. p. 325. See above, vol. i. p. 187. It has been remarked above, vol. i. p. 226, that there is no ground for supposing that this epitaph is composed in Saturnian verse.

(158) Dion. Hal. xvi. 11-4. Compare Thuc. i. 23.

have been undecisive:(159) in the next year, the hostilities were conducted against the Samnites with great efficiency by the two consuls, Q. Fabius Maximus, the ablest and most experienced general of the time, and P. Decius. They defeated the Samnites, and also the Apulians in battle; they ravaged all the open country; Livy mentions the precise statement, that Decius had been encamped in forty-five, and Fabius in eighty-six distinct places in Samnium, during the campaign. Under the succeeding consuls, L. Volumnius and Appius Claudius, the command of Fabius and Decius, in Samnium, was prolonged. According to Livy, however, Decius alone remained in the field; and he so pressed the Samnites, that their army removed to Etruria, where they attempted to stimulate the Etruscans to take up arms against Rome. Finding no enemy to offer him battle, he proceeded to attack the Samnite towns; and succeeded in taking Murgantia, Romulea, and Ferentinum. Such is the account preferred by Livy: he adds, however, that some of the histories represented Ferentinum and Romulea as taken by Fabius, and Murgantia alone as taken by Decius; others attributed the merit to the consuls for the year, Volumnius and Claudius; others gave it to Volumnius alone, alleging that Samnium had been allotted as his province.(160)

§ 33 In the meantime the Samnites, dislodged from their own country, had kindled a more dangerous war in central Italy. Nearly all the Etruscan cities had taken arms, and they were strengthened by some Umbrian allies, and by Gallic mercenaries. Appius Claudius, who had to contend against this coalition, was an incompetent general, though an able speaker: he met with a succession of reverses; and, after a time, his colleague Volumnius came with his army from Samnium, stating that he had been sent for by Claudius. Volumnius declared that he had received despatches to this effect; Claudius denied

(159) Livy, x. 12-3.

(160) Livy, x. 14-7. Dr. Arnold remarks that 'the circumstantial statement of the number of encampments in this campaign deserves credit; and the account of Fabius' victory is moderate and probable;' Hist. vol. ii. p. 328.

that he had sent them. Livy regrets that he cannot ascertain the truth with respect to this unseemly altercation: he states however that three histories, which he had consulted, affirmed the despatches to have been sent.(161) Appius wishes to dismiss Volumnius, but he is detained, after a public dispute between the two colleagues, by the declared wishes of the soldiers: and a victory is speedily obtained over the combined forces of the Etruscans and Samnites.(162) Volumnius afterwards returns to his province, and repels a Samnite incursion into Campania.(163)

The coalition effected by Gellius Egnatius in Etruria had not been dissolved by the victory of Volumnius and Claudius; four nations, the Etruscans, Samnites, Umbrians, and Gauls, were reported to be in arms against Rome. Volumnius warned the people of their danger; and announced that if they were not prepared to elect as consul the person who was, beyond all doubt, their best general, he himself would at once name a dictator. Everybody knew that Fabius was indicated; and the centuries were proceeding to elect this well-tried commander, when he requested that, if at his advanced age he undertook the duty, he might be permitted to have the assistance of P. Decius as his colleague. The request was thought reasonable, and Decius was elected with him(164) (295 B.C.).

Livy proceeds to relate, that although Fabius selected Decius as his colleague, a party-contest arose between them respecting

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(161) Literas ad collegam arcessendum ex Samnio missas, in trinis annalibus invenio. Piget tamen incertum ponere, quum ea ipsa inter consules populi Romani, jam iterum eodem honore fungentes, discrepatio fuerit; x. 18. Niebuhr thinks it probable that both the versions stated by Livy, (viz., that Volumnius was sent for by his colleague, and that he came voluntarily) were false, and that Volumnius was in fact ordered into Etruria by the Senate; Hist. vol. iii. p. 371. No indication of this course appears in the detailed narrative of Livy.

(162) Livy, x. 18-9. The quarrel between Appius and Volumnius, in which the latter reproached the former with his ignorance of military affairs, is mentioned by Dio Cass. xxxvi. 27; but the extant fragment says nothing about the despatches.

(163) Livy, x. 20.

(164) Livy, x. 21-2. Fabius was curule edile in 331 B.C. (Livy, viii. 18), and consul in 322 B.C. He was probably born about 360 B.C., and he died about 290 B.C.

the division of the provinces. The patricians urged that Etruria should be assigned to Fabius; the plebeians required that the ordinary practice of determining the provinces by lot should be adhered to. As the influence of Fabius predominated in the Senate, the question was referred to the people; and the two consuls argued their respective claims before a popular assembly. Fabius concluded his address by requesting that the recent report of the state of Etruria received from Appius Claudius, now prætor in that region, might be read before the vote was taken. He then left the comitium, and Etruria was assigned to him by a nearly unanimous decision.

Fabius now marched to his province, and dismissed Appius the prætor from his command. In the spring, having stationed L. Scipio as pro-prætor with the second legion at Clusium, he returned to Rome, in order to make arrangements for the prosecution of the war. According to the account preferred by Livy, he requested that Decius might come to his assistance in Etruria, and Decius assented to this proposition. Livy adds, however, that some of his authorities represented Fabius and Decius as marching at once into Etruria, without any mention of the dispute about the division of the provinces; while others spoke not only of this dispute, but also of charges made by Appius Claudius against Fabius in his absence, and a subsequent altercation between the consuls about their provinces;(165) some said again that Fabius returned from Etruria of his own accord; others, that he was summoned by the Senate, and others again that his return was owing to charges made against him by Appius.(166)

(165) Invenio apud quosdam extemplo, consulatu inito, profectos in Etruriam Fabium Deciumque, sine ullâ mentione sortis provinciarum certaminumque inter collegas, quæ exposui. Sunt quibus ne hæc quidem certamina exponere satis fuerit: adjecerunt et Appii criminationes de Fabio absente ad populum, et pertinaciam adversus præsentem consulem prætoris, contentionemque aliam inter collegas, tendente Decio, ut suæ quisque provinciæ sortem tueretur. Constare res incipit ex eo tempore, quo profecti ambo consules ad bellum sunt; Livy, x. 26. Niebuhr, upon conjectural grounds, discredits the story of the difference between the consuls; Hist. vol. iii. p. 376.

(166) Ipse ad consultandum de bello rediit; sive ipse sponte suâ ... sive senatus-consulto accitus; nam in utrumque auctores sunt. Ab Ap. Claudio prætore retractum quidam videri volunt; x. 25.

Before the consuls could reach Etruria, the legion under Scipio at Clusium suffered a great blow. The accounts of this catastrophe differed; some said that the entire legion was cut off, and not a man left to carry the news of its fate. Others, that some foragers were surprised and killed, but that assistance was obtained from the camp, and the victors defeated. Some said that the attack was made by the Gauls, others by Umbrians.(167)

The consuls soon crossed the Apennines, and marched into the country of Sentinum, in Umbria, not far from Ancona. Here, according to Livy, there were two allied armies; one formed of the Samnites and Gauls, the other of the Etruscans and Umbrians. The latter army was drawn off by an attack made upon the Etruscan territory at Clusium by the pro-prætors; so that the consuls were engaged only with the Samnites and Gauls. A great struggle took place; the battle was for a time doubtful, and Decius, following the example of his father at the battle of Veseris, devoted himself for the Romans. At length victory declared itself on the side of the Romans; Gellius Egnatius, the Samnite general, and the organizer of the confederacy, was killed: the enemy lost twenty-five thousand men, and eight thousand prisoners. On the Roman side, seven thousand men are said to have been killed in the army of Decius, and one thousand two hundred in that of Fabius.(168) Other Roman accounts, however, men-

(167) Livy, x. 26. Polybius, ii. 14, describes this as a regular engagement of the Romans with the Samnites and Gauls in the country of the Camertians; in which a large number of Romans fell. See above, p. 406, n. 134. As Livy mentions that Clusium was anciently called Camars, it seems probable that Polybius means the same place. Niebuhr however thinks that Camerinum, on the borders of Umbria and Picenum is intended by Polybius; Hist. vol. iii. p. 377; Lect. vol. i. p. 398. He is followed by Dr. Arnold, ib. p. 338. Dr. Arnold here makes a remark, which is applicable to many parts of Livy's historical narrative, especially with reference to the events of different years. 'Exactly at this critical point of the campaign (he says), Livy's narrative fails us, and all that passed between the destruction of the legion and the final battle at Sentinum, is a total blank: it is as much lost to us as a country travelled over during the night; we were in one sort of scenery yesterday, and we find ourselves in another this morning; each is distinct in itself, but we know not the connexion between them;' p. 339.

(168) Livy, x. 27-9.

tioned by Livy, described the Umbrians and Etruscans to have been also engaged in the action; some likewise stated that Volumnius with his troops, as pro-consul, was present on the Roman side; most of the historians gave the entire credit to the two consuls.(169) Polybius agrees with Livy in stating that this battle was fought against the Samnites and Gauls, and that they were entirely routed.(170)

The fame of the battle of Sentinum reached Greece: it was mentioned by Duris of Samos, a contemporary historian, who wrote the history of Agathocles. He states that it was fought by the Romans under their consul Fabius against the Etruscans, Gauls, and Samnites, and their allies, and that the Romans killed one hundred thousand of the enemy: an exaggeration which shows that his account was derived from common rumour.(171)

Notwithstanding their repeated reverses, and the length of time during which they had, with little intermission, carried on the war with Rome, the Samnites still continued to bring fresh armies into the field.(172) The conflict proceeded during the consulship of L. Postumius Megellus and M. Atilius Regulus, but the events of their year were related with remarkable discrepancies. Livy mentions three distinct accounts. The first is that of Fabius Pictor; who stated that both consuls marched into Samnium, and fought a battle near Luceria, in which both sides suffered great losses, and a temple was vowed by one

(169) Livy, x. 30. The numbers in the passage of Livy, 'Superjecere quidam augendo fidem,' &c., appear to be too small; but the conjectural alteration of Niebuhr is uncertain; Hist. vol. iii. n. 647; Lect. vol. i. p. 402, a different conjecture is proposed by Alschefski ad loc. Niebuhr, Lect. ib. remarks that this campaign, 'in regard to achievements, battles, and design, is the greatest known in the early history of Rome.'

(170) ii. 19. See above, § 13.

(171) Ap. Diod. xxi. 13; Fragm. Hist. Gr. vol. ii. p. 479, fr. 40. It is not clear from the passage of Tzetzes, that the self-devotion of Decius was mentioned by Duris.

(172) See the reflections of Livy, x. 31. He reckons forty-six years from the beginning of the First Samnite War to 295 B.C. According to the chronology of Fischer (who interpolates two years) it is forty-eight years: viz., from 343 B.C.

of the consuls (as formerly by Romulus) (173) to Jupiter Stator, 'the stayer of flight.' He added, that the army was afterwards led to Etruria, but by which consul he did not mention. The second is that of Claudius Quadrigarius; who stated that Postumius, after having taken some Samnite towns, was utterly defeated in Apulia, and was glad to find a refuge, wounded and attended by a few companions, in Luceria; that Atilius, the other consul, was successful in Etruria, and received the honour of a triumph. The third is that preferred by Livy himself. According to this version, Atilius invaded Samnium, where his camp was attacked by the enemy, and he was in considerable danger, until his colleague came to his relief. This gave the Romans the superiority; and the two armies separated. Postumius ravaged Samnium, and found several of the towns deserted by the inhabitants: Atilius was less successful in Apulia. He suffered a reverse near Luceria; but a second battle (of which the commencement was unfavourable, and in which he vowed a temple to Jupiter Stator) was converted into a victory; though with great loss to the Romans. The Senate refuse him a triumph. Postumius, finding insufficient occupation for his army in Samnium, marches to Etruria, without the consent of the Senate: he gains some advantages, and compels the towns of Volsinii, Perusia, and Arretium, to sue for peace. The Senate refuse him a triumph, but he triumphs in defiance of their prohibition. He is described by Livy as referring to the precedents of Horatius and Valerius in the year 449 B.C., and of C. Marcius Rutilus in the year 356 B.C., whose son was at that time censor.(174) To these must be added a fourth version, which is implied in the record of the Capitoline Fasti, that both consuls triumphed, Postumius over the Samnites and Etruscans, and Atilius over the Volsones and Samnites. The

(173) See above, vol. i. p. 426.

(174) Livy, x. 32-7. Compare iii. 63, vii. 17. C. Marcius Rutilus Censorinus, the person here alluded to, is mentioned by Livy as conducting the census of the following year, 293 B.C.; x. 47. This second censorship occurs in Val. Max. iv. 1, § 3; Plut. Cor. 1. The victory of Atilius, after an unsuccessful beginning (as in Livy) is mentioned by Zon. viii. 1.

account of Claudius Quadrigarius, and that followed by Livy, agree in representing Postumius as triumphing over the Etruscans; but none of the three versions gives Atilius a triumph over the Samnites; of the Volsones, nothing is known.(175) It should further be noted, that Dionysius represents Postumius as having triumphed, in defiance of the Senate, in his subsequent consulship, in 291 B.C.(176) It seems highly improbable that such an event should have happened twice to the same person within three years; so that Dionysius probably did not recognise the triumph of Postumius in 294 B.C.

§ 34 In the following year, the Samnites made a great exertion, and called in the aid of religious ceremonies, for fortifying the courage of their soldiers. A legion of 16,000 men was distinguished by a peculiar armour and by a linen dress: an oath was also administered, in a solemn assembly, by which each soldier called down a curse upon himself and his family, if he did not obey his commander, if he fled from the ranks; or, if he did not put to death any other soldier who fled.(177) Papirius Cursor, however, attacks the main Samnite army, including the sacred legion, and gains a great victory; 30,340 Samnites are stated to have been killed, and 3870 prisoners taken; while ninety-seven standards are reported to have been captured. At the same time, Sp. Carvilius, the other consul, took Cominium, and is said to have killed 4380 Samnites, and taken 11,400 prisoners. The former pursued his advantages against the Samnites; the latter was called away to check some hostile movements in Etruria. Both consuls received the honour of a triumph; the spoils obtained by Papirius Cursor, in Samnium, are described as immense.(178) It is however remarkable, that a large statue of Jupiter, on the Capitol, which is described as dedicated from the cuirasses,

(175) Concerning the divergent accounts of this year, see Niebuhr, Hist. ib. p. 388-90; Arnold, ib. p. 349-50. Livy, c. 37, remarks: 'Et hujus anni parum constans memoria est.'

(176) Dion. Hal. xvi. 18.

(177) Livy, x. 38; Dio Cass. xxxvi. 29.

(178) Livy, x. 39—46. In the Capitoline Fasti, both consuls are recorded as triumphing over the Samnites.

greaves, and helmets, of the sacred Samnite band, is attributed by Pliny to Carvilius, and not to Papirius;(179) whereas, according to Livy, the battle in which the sacred band was defeated, was fought by Papirius.(180)

The fame of these consuls and their successes was so great and so enduring, that when Fabius Maximus and Marcellus were elected consuls in the fifth year of the Second Punic War, 214 B.C., their appointment is said to have reminded aged persons of the consulship of Q. Fabius and Decius, in the year

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(179) Fecit et Sp. Carvilius Jovem, qui est in Capitolio, victis Samnitibus sacratâ lege pugnantibus, e pectoralibus eorum, ocreisque, et galeis. Amplitudo tanta est, ut conspiciatur a Latiario Jove; H. N. xxxiv. 18.

(180) With this year, the tenth book of Livy terminates: the election of the consuls for the ensuing year is mentioned in the last chapter. Books xi. to xx. inclusive are lost. Niebuhr, in his History, speaking of Livy's tenth book, remarks that 'with regard to the history, we might easily console ourselves for the loss of the subsequent books, if only one of the earlier works were left us, which he had before his eyes;' vol. iii. n. 668. In his Lectures, he says: 'The period from the third Samnite war down to the time when Pyrrhus was called into Italy, though it embraces scarcely ten years, is one of the most important in all ancient history (?), whence it is to be greatly regretted that we have no accurate knowledge of it. In the sixteenth century, people are said to have conjured up spirits for the purpose of recovering the lost works of ancient authors; if such a thing were possible, or if by any sacrifice a lost work could be recovered, I should not hesitate, as far as information goes, to choose the eleventh book of Livy, in preference to any other work;' vol. i. p. 409. Dr. Arnold takes a somewhat different view: 'We should be glad (he says) to possess the eleventh book, which contained the account of the secession to the Janiculum, and of the Hortensian laws; yet, on the whole, a careful study of the ninth and tenth books will dispose us to be more patient of the loss of those which followed them. How little does the tenth book tell us of the internal state of Rome, how uncertain are its accounts of the several wars! Its most valuable information consists in the miscellaneous notices with which Livy generally concludes his account of each year; such as his notice of the paving of a part of the Appian road, and of the building of several temples;' vol. ii. p. 360. Criticisms such as this on the earlier books of Livy, assume that there was an authentic history of the time, in existence, to which he could have access, if he thought fit; an assumption for which there is no ground. Niebuhr recurs elsewhere to the notion of evoking ancient spirits. Thus in his Lectures on Roman History, he remarks: 'It is said that a philologer once tried to conjure up spirits, in order to obtain from them ancient books which were lost; and if such a thing were possible, the first ancient work to be asked for would be the Origines of Cato;' vol. 1, p. xxxvi. In his Lectures on Ancient History, vol. i. p. 223, he says: 'The grammatical period of Alexandria has much that is excellent; and if I had the power of conjuring, I would summon an Alexandrian grammarian to appear before me.'

of Sentinum, and of the consulship of Papirius and Carvilius in the Samnite war.(181)

Even these victories, however, did not crush the indomitable spirit of the Samnites. In the following year (292 B.C.) they defeated the consul Q. Fabius Gurges, the son of Fabius Maximus: the Senate were about to recal him, but his aged father prevailed upon them to retain him in his command, by undertaking to accompany him as his lieutenant. The campaign was renewed in substance between Fabius Maximus and Pontius, the general who had passed the Romans under the yoke at Caudium, twenty-nine years before. Fabius was victorious; Pontius was taken prisoner, and was beheaded after the consul's triumph.(182)

§ 35 It appears that Q. Fabius Gurges was continued in Samnium by the Senate as pro-consul; but he was sent home by Postumius, one of the consuls for the next year, in defiance of the authority of the Senate. Postumius recovered Cominium (which had, it seems, returned into the power of the Samnites), and likewise took Venusia, in the Apulian territory.(183) It was

(181) Referebant senes, sic Maximum Rullum cum P. Decio ad bellum Gallicum, sic postea Papirium Carviliumque adversus Samnites, Bruttiosque, et Lucanum cum Tarentino populum, consules declaratos; Livy, xxiv. 9. Concerning the reminiscences of old men in public affairs, see above, vol. i. p. 118. The interval between 295 and 293 B.C., and 214 B.C., the year of Fabius Maximus and Marcellus, was however too long for contemporary memory.

(182) Livy, Epit. xi; Eutrop. ii. 9; Dio Cass. xxxvi. 30; Zon. viii. 1. A notice of this transaction, extracted from some Greek compendium of Roman history, is given by Suidas in Φάβιος Μάξιμος. Orosius, iii. 22, tells the anecdote of Fabius going as his son's lieutenant; but adds that he saved his son's life in battle by his personal bravery: he further describes the Samnite loss at this battle as 20,000 killed, and 4000 prisoners (including their general); and he states that this victory put an end to the war. This is inconsistent with Livy, Epit. xi. Niebuhr says of this campaign: 'The two greatest generals of their age fought against one another;' Hist. vol. iii. p. 399. Compare above, p. 457.

(183) See Dion. Hal. xvi. 15-8, where there is an account of the third consulship of Postumius. Suidas, in Ποστόμιος, cites his words, with some addition. Livy, Epit. xi., speaks of his employing his soldiers on his own land, like Dionysius; and adds that he was condemned for it. The ἄλσους τομὴ is also alluded to by Dio Cass. xxxvi. 32. Velleius, i. 14, agrees with Dionysius, as to the date of the colony to Venusia. He places it four years after the consulship of Fabius and Decius, in 295 B.C. Compare above, p. 388, n. 71.

not however till the following year, 290 B.C., that the consuls, Manius Curius Dentatus and P. Cornelius Rufinus, put an end to the Third Samnite War.(184)

§ 36 With the exception of a few scattered notices, the history of the Third Samnite War is preserved exclusively in Livy. His narrative is detailed and minute, and bears those internal marks of truth, which are presented by the mention of small, but significant circumstances: it is likewise clear and coherent; and the successive military operations are in general consistent with one another.(185) Whether the materials upon which it was founded were more authentic than the accounts of his predecessors respecting the Second Samnite War, we are not in a condition to decide: we can only say, that the Third Samnite War was nearer than the second to the age of contemporary history. At the same time, the wide and frequent discrepancies of evidence reported by Livy—between which he is himself at a loss to decide—prove that there was no authentic history of the times, in which such facts as the names of the consuls of the year,(186) their respective provinces, the battles in which they commanded, or the part which they took in the Senate, were recorded with cer-

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(184) Eutrop. ii. 9; Livy, Epit. xi, says: 'Pacem petentibus Samnitibus fœdus quarto renovatum est.' Victor de Vir. Ill., c. 33, gives the following anecdote: 'Manius Curius Dentatus primo de Samnitibus triumphavit, quos usque ad mare superum perpacavit. Regressus in concione ait: Tantum agri cepi, ut solitudo futura fuerit, nisi tantum hominum cepissem; tantum porro hominum cepi, ut fame perituri fuerint, nisi tantum agri cepissem.' Cicero, de Sen. 16, mentions a triumph of M'. Curius Dentatus over the Samnites. A retrospect of the long struggle of the Samnites against the Romans, and of their subsequent hostility to Rome, is given in the speech of the Samnite envoys to Hannibal, in 215 B.C.; Livy, xxiii. 42.

(185) See Niebuhr's comments upon Livy's account of the Third Samnite War; Hist. vol. iii. p. 357.

(186) The following is an example of the uncertainties respecting the names of high officers at this period, which even Livy could not settle. Under the year 299 B.C. Licinius Macer and Tubero reported that Q. Fabius Maximus was curule ædile with L. Papirius Cursor. Piso on the other hand stated that the ediles were C. Domitius Calvinus and Sp. Carvilius Maximus. Livy thinks that the surname Maximus produced the confusion: 'Id credo cognomen errorem in ædilibus fecisse, secutamque fabulam mixtam ex ædiliciis et consularibus comitiis, convenientem errori;' x. 9. Compare above, p. 462, n. 156.

tainty.(187) That the Third Samnite War grew out of the assistance afforded by Rome to the Lucanians, both Livy and Dionysius agree; but in describing the communications which passed between Rome and the Samnites on this occasion, they differ widely. In the account of the battle of Sentinum, Livy is confirmed by Polybius: this great conflict was known to the contemporary Greek writer, Duris of Samos, and was mentioned by him in a historical work; probably his history of Agathocles. Whether the story of the hind and wolf, related in connexion with this battle, is true, cannot be determined:(188) similar stories of omens, however, are often mixed up with real events in the later Roman history. The devotion of Decius may be considered as historical;(189) the act was doubtless suggested to him

(187) Dr. Arnold remarks upon the silence of Livy respecting Agathocles during the Samnite wars, and he then proceeds thus: 'But this is merely one of the consequences of the absence of all Roman historians contemporary with the fifth century. Livy did and could only copy the annalists of the seventh, or of the middle of the sixth century, and the very oldest of these, separated by an interval of a hundred years from the Samnite wars, and having no original historian older than themselves, did but put together such memorials of the past as happened to be still floating on the stream of time, stories which had chanced to be preserved in particular families, or which had lived in the remembrance of men generally. Thus, as I have before observed, the military history of the Samnite wars is often utterly inexplicable: the detail of marches, the objects aimed at in each campaign, the combinations of the generals, and the exact amount of their success, are lost in oblivion; but particular events are sometimes given in great detail, and anecdotes of remarkable men have been preserved, while their connexion with each other has perished;' Hist. vol. ii. p. 417. In another place he thus speaks of the period 326—300 B.C. 'In some of the transactions recorded in this chapter, we seem almost to have emerged into the light of day, and to be able to trace events and their actors with much of the clearness of real history. But even in those which are in themselves most vivid, we find a darkness on either side, concealing from our view their causes and their consequences;' ib. p. 306.

(188) Livy, x. 27; Zon. viii. 1. Dr. Arnold remarks: 'This story, with some other circumstances related of the battle itself, are blended strangely with the perfectly historical substance of the general narrative;' vol. ii. p. 342.

(189) Mommsen, Röm. Gesch. vol. i. p. 229, n. considers the devotion of one Decius as a mere repetition of the devotion of the other; but there seems no good ground for doubting the reality of both these events, which were calculated to make a deep impression on the popular memory, and being religious acts, were perhaps noted at the time by the pontifical scribes. P. Decius, in arguing for the plebeian priesthoods, in 300 B.C., is said to have reminded many among his hearers of the

by the similar act of his father.(190) The ideas of a dark superstition still lingered among the Italian nations; as we see from Livy's account of the ceremonies by which the oath was imposed on the sacred legion of the Samnites;(191) ceremonies, more sanguinary than any that are mentioned as practised by the Romans at this time.

§ 37 In the year 282 B.C., eight years after the termination of the Third Samnite War, an event occurred, which brought the Romans into collision with the Tarentines. Of this event we have two versions. According to Appian, ten Roman ships of

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appearance of his father, when he devoted himself as consul. 'Retulisse dicitur Decius parentis sui speciem, qualem eum multi, qui concione erant, viderant, incinctum Gabino cultu, super telum stantem, quo se habitu pro populo ac legionibus Romanis devovisset;' x. 7. As the devotion of Decius had taken place only forty years before, it was quite possible that it should have been witnessed by many persons then present. Niebuhr has recourse to the supposition of superhuman agency, in order to account for the effect produced by the deaths of the Decii: 'He who does not (he says) absolutely reject the reality of miracles in Roman history as nonsense, might console himself for the scorn of others with the opinion of Dante; and the battles of Vesuvius and Sentinum are of such decisive importance for the history of the world, that the idea of attributing a miraculous power to the expiatory death of the Decii, contains at least nothing unworthy;' Hist. vol. iii. n. 644. It is, however, impossible for us to estimate the effect really produced by these celebrated acts. See the passage of Dio Cassius cited above, p. 430, n. 52.

(190) 'Cujus mors ita gloriosa fuit, ut eam concupisceret filius,' says Cic. de Div. i. 24. Cicero speaks of a third Decius, the grandson of the first, and son of the second, having devoted himself in the war against Pyrrhus. After describing the act of the first Decius, he continues: 'Quod quidem ejus factum nisi esset jure laudatum, non esset imitatus quarto consulatu filius; neque porro ex eo ratus, cum Pyrrho bellum gerens, consul cecidisset in prælio, seque e continenti genere tertiam victimam reipublicæ præbuisset;' De Fin. ii. 19. Elsewhere he says: 'Non cum Latinis decertans pater Decius, cum Etruscis filius, cum Pyrrho nepos se hostium telis objecissent;' Tusc. Disp. i. 37. The story of the self-immolation of the third Decius (whose consulship falls in 279 B.C.) is discredited by Dr. Arnold, ib. p. 509. Compare Niebuhr, vol. iii. p. 505. The story may be fabulous; but its inconsistency with the notice in the inaccurate writer, De Vir. Ill. c. 36, is not a sufficient reason for rejecting it; especially as the statement of the latter is inconsistent with that of Florus, i. 21, and Zonaras; and it is considered erroneous by Arntzen ad loc.

(191) Admovebatur altaribus miles, magis ut victima quam ut sacri particeps.... Dein jurare cogebatur diro quodam carmine, in exsecrationem capitis familiæque et stirpis composito.... Id primo quidam abnuentes juraturos se, obtruncati circa altaria sunt: jacentes deinde inter stragem victimarum documento ceteris fuere ne abnuerent; x. 38.

war, under a certain Cornelius, were cruising along the coasts of Magna Græcia, when a Tarentine demagogue, named Philocharis, of dissolute habits, reminded the people of an ancient treaty which restrained the Romans from sailing to the east of the Lacinian promontory, and urged them to attack the Roman squadron. His advice was adopted; the Tarentines sank four of the ships, and took one with the crew.(192) According to Dio Cassius, the Roman admiral in command of these ships was named L. Valerius. He sailed into the harbour of Tarentum without any hostile intention, but the people were in the theatre celebrating the Dionysia; and partly from a belief that he came as an enemy, and partly under the influence of wine, they attacked him before he suspected their purpose, and sank his ship and several of the others.(193) One of these accounts represents the act of the Tarentines as the result of deliberation, the other as a sudden outbreak of fear and anger—in the substance, however, they agree; and they are further confirmed by the epitome of Livy.(194)

Moreover, the Lucanians had recently besieged the town of Thurii, and the latter place had been assisted and defended by the Romans, who raised the siege, and left a garrison in the place.(195) The Tarentines now complained that the people of

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(192) Samn. 7.

(193) Dio Cass. xxxix. 4, 5. The passage of Dio is repeated by Zon. viii. 2. A similar account is given by Orosius, who probably followed Livy, directly or indirectly: 'Anno ab urbe conditâ ccccIxiv. Tarentini Romanam classem forte prætereuntem, spectaculo theatri prospectam hostiliter invaserunt, quinque tantum navibus vix per fugam elapsis: cetera retracta in portum classis, et profligata est; præfecti navium trucidati, omnes bello utiles cæsi, reliqui pretio venditi sunt;' iv. 1. Florus likewise, who follows Livy, gives a similar account; i. 18, § 4.

(194) 'Cum a Tarentinis classis Romana directa esset, duumviro qui præerat classi occiso, legati ad eos a senatu ut de his injuriis quererentur missi pulsati sunt. Ob id bellum eis indictum est;' Livy, Epit. xii.

(195) The assistance of Thurii against the Lucanians is mentioned in Livy, Epit. xi. The relief of the place was effected by the consul Fabricius, see Dion. Hal. xviii. 5, 17; Val. Max. i. 8, 6. The subjection of Thurii to the Lucanians, and its recourse to Rome, are mentioned by Strabo, vi. 1, § 13. A story of the Romans being assisted on this occasion by a supernatural combatant, whom they believed to be the god Mars, is told by Valerius Maximus, ib; similar to the appearance of the

Thurii, being Greeks, had applied to the Romans, instead of to themselves, and had been the means of introducing them into the southern extremity of Italy. They proceeded to plunder the city, and to expel the principal citizens; they dismissed the Roman garrison unharmed.(196)

The Romans did not at once declare war against the Tarentines, but sent ambassadors to demand redress. Their terms are stated to have been, that the Romans taken on board their own ships should be liberated, that the citizens of Thurii who had been expelled should be restored, that compensation should be afforded for the property plundered, and that the authors of the outrage should be surrendered to them. The scene which took place when the Roman ambassadors appeared before the people to deliver their message, conveys a forcible idea of the coarseness of manners which prevailed in a civilized Greek city of antiquity. Not only was their imperfect Greek and their peculiar dress made the subject of public ridicule, but Postumius, the leader of the embassy, was subjected to a more practical and material insult. He held up his toga to the people, and told them that they might enjoy their laugh at present, but that the stains on his garment would be washed out with their blood.(197) As soon as the insult offered to the ambassadors was reported by them to the people, Q. Æmilius, the consul, who was then with an army in Samnium, was ordered to march to Tarentum, and to repeat the demands made by the ambassadors.(198) The

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Dioscuri at the battle of Regillus. This story is alluded to by Ammianus Marcellinus, xxiv. 4. Existimabatur Mars ipse, si misceri hominibus numina majestatis jura permittunt, affuisse castra Lucanorum invadenti Luscino. The people of Thurii erected a statue to Fabricius, for raising the siege of their town; Plin. N. H. xxxiv. 15.

(196) Appian, Samn. 7.

(197) Dion. Hal. xvii. 7, 8; Appian, Samn. 7; Dio Cass. xxxix. 5; Zon. viii. 2; Flor. i. 18, § 5. Livy, Epit. xii., says that the ambassadors were 'pulsati,' driven away with blows. On the other hand, Valerius Maximus says that after the ambassadors had been grossly insulted, they persisted in delivering their message, and abstained from all complaint; ii. 2, § 5.

(198) Dion. Hal. xvii. 9, 10; Appian, ib. The former states that long debates in the Senate preceded the decision for immediate war. According

Tarentines now hesitated as to the answer which they would give, and opinions in the public assembly were almost equally divided, when an orator remarked, that to surrender any of their citizens was a mark of servitude; but to enter on a war without allies was perilous. 'If we wish,' he said, 'to maintain our freedom, let us call in the assistance of King Pyrrhus, and make him our general.'(199) The party adverse to peace prevailed; envoys were sent to Pyrrhus, requesting him to engage in the war, and promising him large levies from the nations of southern Italy.(200) Pyrrhus, the greatest warrior of his time, eager for enterprize, and ambitious of making conquests in Italy and Sicily, acceded to the request of the Tarentines, and in the year 281 B.C. landed near Tarentum with a large army.(201) In his subsequent war with the Romans, the Roman annals (as we have previously remarked) mix with the stream of contemporary Greek history.(202)

§ 38 Having now examined the narrative of the military history of Rome from the beginning of the Samnite wars to the landing of Pyrrhus, it remains for us to notice such events of constitutional history, or other miscellaneous occurrences, re-

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to Dionysius, the ambassadors returned when Æmilius was entering on his consulship: he therefore conceives the embassy as having taken place in 283 B.C.

(199) Appian, ib. See the singular anecdote of Meto, who attempted to prevent the war; Dion. Hal. xvii. 13, 14; Plut. Pyrrh. 13; Dio Cass. xxxix. 10.

(200) Plut. Pyrrh. 13. Plutarch speaks of those who were in favour of war, because they were afraid of being surrendered to the Romans in the event of peace; which agrees with the conditions stated by Appian.

(201) Livy, Epit. xii; Plut. Pyrrh. 15; Justin. xviii. 1; Eutrop. ii. 11; Flor. i. 18.

(202) Decius Magius, the Campanian, is described by Livy as referring in 216 B.C. to the oppressions exercised by Pyrrhus at Tarentum, in order to warn his countrymen against admitting Hannibal; xxiii. 7. Hieronymus, the ruler of Syracuse, was reminded by his flatterers, in the Second Punic War, of Pyrrhus, his maternal grandfather; ib. xxiv. 6. The envoys of the Roman prisoners after Cannæ, and of the remains of the legions of Cannæ, refer to the Roman prisoners taken by Pyrrhus at Heraclea; ib. xxii. 59, xxv. 6. Other reminiscences of Pyrrhus are mentioned above, vol. i. p. 67, n. 196. It is said that elephants were first seen by the Italians in the war with Pyrrhus, and were called *boves Lucæ*, from having been seen in Lucania; Pliny, N. H. viii. 6; Veget. de Re Mil. iii. 24; Varro de L. L. vii. 39, 40.

corded during this period, as throw light upon the nature of the historical accounts which have been handed down to us.

The account of the abolition of the law of nexum, in consequence of the ill usage practised by the creditor upon a youthful insolvent debtor, bears internal marks of credibility, and may have been derived from some early reminiscence. The description implies, that up to this time the insolvent debtor became the slave of the creditor, and the creditor had over him all the rights of a slave-master with respect to corporal coercion and punishment. At the same time, the circumstances are delivered to us with so much diversity, as to forbid the idea that the event could have been recorded by a contemporary scribe. Livy states that L. Papirius was the name of the creditor; that the insolvent debtor was named C. Publilius; and that he gave himself up to his creditor on account of a debt due by his father. He further says that Publilius, when he had been ill used by his master, first appealed to the people in the forum, whence he went to the Senate-house; that the consuls immediately convened the Senate, and laid the case before them; and that the Senate instructed them to propose to the people the abolition of the law of nexum. He places this event in the consulship of Poetelius and Papirius, 326 B.C., five years before the Caudine capitulation.(203) Dionysius, on the other hand, states that the son of a certain Publius (the latter having been one of the military tribunes who had been parties to the Caudine surrender), had borrowed money to defray the expense of his father's funeral, expecting to be reimbursed by his kinsmen. He becomes an insolvent debtor, is ill treated by his creditor, and appeals to the people; whereupon the creditor is prosecuted by the tribunes, and condemned to death. A law is afterwards passed abolishing slavery for debt.(204) A third version is given

(203) Livy, viii. 28; Livy evidently considers the change of law to have been inexpedient: he thinks that a valuable security for the payment of debts was lost through the outrageous conduct of one man: 'Victum eo die ob impotentem injuriam unius ingens vinculum fidei.'

(204) xvi. 9. Compare above, p. 454, n. 125.

by Valerius Maximus. His account is that T. Veturius, the son of the consul who had been party to the Caudine treaty, was compelled, by domestic losses, and heavy debts, to become, while a youth, the slave of his creditor, P. Plotius. Being ill-treated by his creditor, he appealed to the consuls, who brought the matter before the Senate, and the Senate ordered Plotius to be thrown into prison.(205) The variations of name and time, as well as of other circumstances, are so great as to show that the story, though it may be substantially true, has, by oral tradition, acquired a legendary character.

It is stated by Livy that in the year 323 B.C., a law was proposed by a tribune, to inflict punishment upon the people of Tusculum, for assisting and instigating some of the enemies of the Romans. The Tusculans, bringing with them their wives and children, and attired in garments of mourning, came to Rome, and implored the citizens to spare them. When the votes were taken, all the tribes, except the Pollian, rejected the law: but the Pollian tribe carried a resolution that the adult men should be flogged and beheaded, and the women and children sold as slaves.(206) 'It is certain (Livy adds) that the Tusculans retained the memory of this cruel vote until the time of our fathers, and that the Papirian tribe (into which the Tusculans were afterwards received) scarcely ever gave its vote in favour of a candidate from the Pollian tribe.'(207) This anecdote implies that a clear and practical memory of the vote of the Pollian tribe was cherished by the Tusculans and their descendants for at least two hundred years.

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(205) Val. Max. vi. 1, § 9. A passage of Varro L. L. vii. § 105, refers to this event, but the text is so corrupt that its effect cannot be stated. Compare Arnold, vol. ii. p. 277. Niebuhr conjectures that the abolition of the law of nexum took place, not in the consulship of Poetelius (326 B.C.) but in his dictatorship, (313 B.C.); Hist. vol. iii. p. 156, 293. He likewise suspects that the story of the youthful debtor is apocryphal; ib. p. 157. It is remarkable that two former movements relative to the law of debt are connected with personal anecdotes; see Livy, ii. 23, vi. 14.

(206) This was the original sentence of the Athenians upon the Mytileneans, Thuc. iii. 36, and was the punishment actually inflicted on the Melians; v. 116.

(207) Livy, viii. 37. The story is repeated by Val. Max. ix. 10, § 1.

The censorship of Appius Claudius Cæcus (which began in 312 B.C.) is an important event at this period; and the circumstances connected with it appear to be substantially historical, though his public character is not clearly explained to us. That the Appian road, from Rome to Capua, and the Appian aqueduct, which brought a supply of water into Rome, were due to his censorship, cannot be doubted. He is likewise related to have revised the list of the Senate, and to have inserted in it divers persons whose fathers had been freedmen, and therefore had once been slaves; a lowering of the dignity of the Senate, which was at this time without example.(208) When the consuls refused to recognise his list, he distributed the inferior class of town-citizens among all the tribes, and by the number of their votes was able, it is stated, to increase his own influence. As his measures had not been completed at the end of the eighteen months, to which the Æmilian law of 434 B.C.(209) limited the censorship, he set the law at defiance, and refused to resign: nor was P. Sempronius, one of the tribunes, who brought the question before the people, with the assistance of six of his colleagues, able to enforce it, and eject Appius from his office. Protected by the veto of three tribunes, he maintained his ground, and held the censorship for five years.(210) It is stated further that Cn. Flavius, a man of a ready wit, the son of a freedman, who had been scribe or writer to Appius, and likewise acted in a similar capacity for some of the public magistrates, had, at his instigation, carefully noted the days on which legal proceedings could be held, and thus was able to publish the rules of the Calendar affecting actions at law.(211) Other accounts state that his publication

(208) The rule of excluding the sons of freedmen from the Senate was retained, with few exceptions, till the end of the republic; Becker, ii. 1, p. 196.

(209) See Livy, iv. 24; Becker, ii. 2, p. 195. Above, ch. xii. § 61.

(210) Until the censorship of Valerius Maximus and Junius Bubulcus in 307 B.C.; Fast. Capit.; Compare Livy, ix. 43. The writer de Vir. Ill. 34, says: 'Censuram solus omni quinquennio obtinuit.'

(211) Plin. N. H. xxxiii. 6.

was confined not merely to rules respecting days, but also included the forms of actions.(212) Pomponius, in the extract in the Digest, represents Appius himself as the compiler of a book on the forms of actions, and says that Flavius, his scribe, stole the book from him, and gave it to the public. This collection was, he says, called 'Jus Civile Flavianum.'(213) The history of the origin of this ancient legal compilation is perhaps not altogether unmixed with fiction: it may be observed that Atticus seems to have suggested to Cicero some difficulty respecting the chronology of the received story:(214) the disclosure, however, is related to have been considered by the aristocratic party, as so great a detraction from their power, that they laid aside their rings for a time in token of grief.(215)

Diodorus states that when the censorship of Appius had expired, and he dreaded the displeasure of the Senate, he simulated blindness, and remained in his own house.(216) It is however certain that when Appius, near the close of his life, was led into the Senate-house by his sons to deliver his famous speech against the peace with Pyrrhus, his blindness was not simulated but real.(217) An entirely different cause for the

(212) Livy, ix. 46; Cic. de Orat. i. 41; Pro Mur. 11; Val. Max. ii. 5. § 2; Macrob. Saturn, i. 15, § 9. The passage respecting Flavius, cited from Calpurnius Piso, in Gell. vi. 9, is closely followed by Livy, ubi sup. Livy adds that, according to Licinius Macer, Flavius had ceased to act as a clerk before he was elected curule edile; for he had previously filled three offices inconsistent with that employment.

(213) Dig. i. 2, 2, § 7.

(214) Nam illud de Flavio et fastis, si secus est, commune erratum est; et tu belle ἠπόρησας, et nos publicam prope opinionem secuti sumus, ut multa apud Græcos; Epist. ad Att. vi. 1, § 14.

(215) Quo facto tantâ senatus indignatione exarsit, ut annulos ab eo abjectos fuisse in antiquissimis reperiatur annalibus. . . . Annulos quoque depositos a nobilitate, in annales relatum est, non a senatu universo; Plin. ib. Livy states that this mark of grief was caused by the election of Flavius as curule edile, not by his publication of the fasti. 'Tantumque Flavii comitia indignitatis habuerunt, ut plerique nobilium annulos aureos et phaleras deponerent;' ix. 46.

(216) Diod. xx. 36.

(217) Appian, Samn. 10; Plut. Pyrrh. 18-9; Cic. Tusc. Quæst. v. 38; Victor de Vir. Ill. 34; Dig. iii. 1, 1, § 5. Appius Claudius Cæcus was censor in 312 B.C., and consul in 307 and 296. His speech against the peace with Pyrrhus was delivered in 279. If he was forty years old at the time of his censorship, he would have been seventy-three years old when he delivered this speech.

blindness of Appius is assigned by Livy. His account is that Appius, during his censorship, authorized the Potitii, who had the performance of certain hereditary sacerdotal rites at the Ara Maxima of Hercules, to delegate their functions to public slaves. The result of this change was reported to have been that twelve families of the Potitii, containing thirty adult men, became extinct within the year, and that Appius himself, was, within a few years, smitten with blindness.(218) A different version of this religious legend has been preserved by Festus,(219) who relates that Appius when censor induced the Potitii, by the payment of 50,000 asses, to instruct certain public slaves in the performance of their peculiar rites; whereupon the entire family of the Potitii, which consisted of twelve persons, became extinct within thirty days. It will be observed that the numbers in this story are the same as in that of Livy: but that they are differently applied. On the blindness of Appius, Festus is silent: another writer, however, who speaks of the corruption of the Potitii by Appius, makes the anger of the gods fall upon him, as well as on the Potitii.(220)

The measures of Appius with respect to the Senate and the

(218) Livy, ix. 29; Val. Max. i. 1, § 17; Serv. Æn. viii. 179, gives the following account: 'In sacris Herculis nec servi intererant, nec liberti; adeo ut Appius, qui sacra hæc transtulit in libertos, velut quidam volunt, in servos publicos, et caruerit oculis, et intra annum omnem familiam perdiderit Pinariorum.'

(219) Quæ familia et posteri ejus non defuerunt decimantibus usque ad Ap. Claudium censorem, qui quinquaginta millia æris gravis his dedit, ut servos publicos edocerent ritum sacrificandi: quo facto Potitii, cum essent ex familiâ numero duodecim, omnes interierunt intra diem XXX.; p. 237.

(220) Potitios Herculis sacerdotes pretio corrupit, ut sacra Herculea servos publicos edocerent; unde cæcatus est; gens Potitiorum funditus periit; Victor de Vir. Ill. 34. Verum postea Appius Claudius acceptâ pecuniâ Potitios illexit, ut administrationem sacrorum Herculis servos publicos edocerent, necnon etiam mulieres admitterent. Quo facto aiunt intra dies triginta omnem familiam Potitiorum, quæ prior in sacris habebatur, extinctam; Script. de Orig. Gent. Rom. c. 8. The story is thus related by Lactantius: 'Appius Claudius censor, cum adversus responsum ad servos publicos sacra Herculis transtulisset, luminibus orbatus est; et Potatiorum gens, quæ prodidit, intra unius anni tempus extincta est;' De Div. Inst. ii. 7. Compare above, vol. i. p. 293.

tribes were highly popular in their tendency.(221) Nevertheless, Sempronius, in his speech against Appius for holding the censorship beyond the term fixed by law, treats him as an adherent of the high patrician party, and as sharing the hereditary political opinions of his family.(222) He is likewise described by Livy as the leader of the patrician party in resisting the proposal made by the two Ogulnii, in 300 B.C., for rendering plebeians eligible as pontiffs and augurs, and thus removing the last plebeian disqualification.(223) Hypotheses may be made for reconciling the apparent inconsistency in the political conduct of Appius;(224) but no light is thrown upon it by Livy, or any of the ancient writers.

The distribution of the inferior town voters among all the tribes, effected by Appius, produced, according to Livy, the result, that the people was divided into two parts; the sound part of the citizens, and the faction of the forum. When however Q. Fabius and P. Decius became censors, the former, in order to diminish the influence of the lower class of voters, threw them altogether into four tribes, which he called city tribes. This measure was so well received by the people, that it earned for him his surname of Maximus, which his long series of victories had not conferred upon him.(225) What relation these four tribes bore to the four city tribes said to have been instituted by Servius,(226) is not explained.

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(221) Ceterum Flavium dixerat ædilem forensis factio, Ap. Claudii censurâ vires nacta, qui senatum primus libertinorum filiis lectis inquinaverat; et postquam eam lectionem nemo ratam habuit, nec in curiâ adeptus erat quas petierat opes urbanas, humilibus per omnes tribus divisis, forum et campum corrupit; Livy, ix. 46.

(222) Livy, ix. 34. (223) Livy, x. 7.

(224) See Niebuhr, Hist. vol. iii. p. 301-3; Lect. vol. i. p. 384-9; Arnold, vol. ii. p. 286.

(225) Livy, ix. 46; Val. Max. ii. 2, § 9. Compare Becker, ii. 1, p. 194. Dr. Arnold discredits the account of the origin of the name Maximus; he thinks that it had reference originally to personal size rather than to greatness of mind or exploits; vol. ii. p. 297. Much uncertain hypothesis is founded by Niebuhr upon the brief passage of Livy respecting the censorship of Fabius and Decius; Hist. vol. iii. p. 320-49. It is not adopted by Dr. Arnold, vol. ii. p. 297.

(226) Above, vol. i. p. 487.

The strange account in Livy, under the year 331 B.C., of an extensive system of poisoning established among the Roman matrons, is probably derived from an ancient, and perhaps from a contemporary record. In consequence of secret information given by a slave woman to Q. Fabius Maximus, who was then edile, Cornelia and Sergia, both of patrician families, were charged with the crime, and being required to drink their own mixture, died of its effects. Further investigation led to the condemnation of one hundred and seventy matrons; the prevalence of this atrocious crime was considered to amount to a prodigy, and to be the result rather of a divine seizure, than of natural pravity; and a dictator was appointed to drive a nail in the temple, a religious ceremony which was held to be a proper expiation for the calamity.(227)

The examples of the Neapolitan Tofana and of the Marquise de Brinvilliers, in modern times, show that women of a high social condition are sometimes capable of engaging in a systematic course of poisoning; but it is incredible that one hundred and seventy Roman matrons could have been really accomplices in such a crime. It is however possible that the malicious reports of slaves, combined with the fear of so secret and dangerous an offence, and the entire ignorance of toxicology which then prevailed,(228) may have created a belief in their guilt.

Notices of religious affairs—such as of the dedication of temples, of the punishment of an unchaste vestal, in 337 B.C.,(229) or of the migration of the pipe-players, in 311 B.C.(230)—are likely to have been derived from contemporary records. The accounts

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(227) Livy, viii. 18; Val. Max. ii. 5, § 3; Orosius, iii. 10. The latter raises the number to 370. See above, p. 409.

(228) The account of the death of the Emperor Claudius, in Tacit. Ann. xii. 66-7, shows that even professional poisoners were not at that time very skilful.

(229) Livy, viii. 15.

(230) Livy, ix. 30. The tibicines refused to pipe at the sacrifices, and went in a body to Tibur, because the censors had deprived them of their privilege of taking their meals in the temple of Jupiter. The people of Tibur made them drunk at a festival, and sent them back to Rome in carts, where their privilege was restored them.

of the sacred offerings of the curule ediles in 296 B.C., including the statue of the she-wolf, with Romulus and Remus,(231) and of the introduction of the Greek practice of giving palms to the conquerors at the Roman games, in 293 B.C.,(232) are likewise probably authentic.

Livy has no detailed mention of prodigies at this period. In 296 B.C. he states, generally, that many prodigies occurred, and that a supplication of two days, with some other ceremonies, was in consequence decreed by the Senate.(233) In the following year, likewise, he relates that there had been showers of earth, and that several persons in the army of Appius Claudius had been struck by lightning.(234) Some prodigies recounted by Zonaras appear also to belong to this time, namely, that the altar of the Capitoline Jupiter distilled blood for three days, and honey and milk on the two consecutive days; and that a statue of Victory in the forum fell from its pedestal.(235) It is mentioned by Livy, that in 293 B.C., in consequence of the mortality caused by pestilence, the Sibylline books were consulted; and the response obtained was, that Æsculapius should be brought from Epidaurus to Rome. Nothing was done in this year, beyond the appointment of a day's supplication to Æsculapius; but soon afterwards, envoys were sent to Epidaurus to fetch a statue of the god to Rome. When the Romans reached Epidaurus, the sacred serpent descended from the temple, and embarked on board their ship: it went on land, and remained for a short time on a palm-tree near a temple at Antium, and finally rested in the Insula Tiberina, where a fane was erected to Æsculapius.(236)

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(231) Livy, x. 23. (232) Ib. c. 47.

(233) Ib. c. 23. Compare the remarks above, vol. i. p. 161—5.

(234) Ib. c. 31.

(235) Zon. viii. 1. Niebuhr, on conjecture, identifies these prodigies with those mentioned in Livy, x. 23; Hist. vol. iii. p. 374. See also Arnold, vol. ii. p. 335.

(236) See Livy, Epit. xi.; Val. Max. i. 8, § 2, whose account is probably derived from the lost book of Livy; Victor de Vir. Ill. 22; Ovid, Met. xv. 622—744; Orosius, iii. 22; Plut. Quæst. Rom. 94: Plin. N. H. xxix. 22.

Theophrastus, in his History of Plants, states that the trees of the fir species in Latium were extremely fine, but, though superior to those of Southern Italy, were not comparable with those of Corsica. He then adds, that, at some former time, the Romans being desirous of founding a city in Corsica, sailed thither with twenty-five ships; but they found the island so thickly covered with wood, that they abandoned their intention. He likewise mentions that some Romans who crossed over cut so large a quantity of timber in a small space, that they made of it a raft which required fifty sails: the raft however came to pieces in the sea.(237) This passage is remarkable as containing the earliest mention of the Romans, which occurs in any extant classical work. It is conjectured by Niebuhr that the expedition to which Theophrastus refers was made near the end of the Second Samnite War, about 302 B.C.(238) Theophrastus however seems to refer to some previous time; no mention of such a colony occurs in any Roman writer.(239)

Compare Becker, vol. i. p. 651: Niebuhr, vol. iii. p. 408-9; Lect. vol. i. p. 406; Arnold, vol. ii. p. 395. Niebuhr and Dr. Arnold agree in thinking that the Roman ambassadors really brought a tame snake to Rome. Tame snakes were kept in the temple of Æsculapius at Epidaurus; Paus. ii. 28, § 1. Compare above, vol. i. p. 64.

(237) Hist. Plant. v. 8, where οὐδὲν εἶναι πρὸς τὰ ἐν τῇ Κύρνῳ should be read with the best MSS. See vol. v. p. 44, ed. Schneider.

(238) Hist. vol. iii. p. 241.

(239) Theophrastus, Caus. Plant. i. 19, refers to the archonship of Nicodorus (314 B.C.), and de Lapid. § 59, to the archonship of Praxibulus (315 B.C.). These dates are cited by Pliny, H. N. iii. 9, xiii. 30, xxxiii. 37, who makes the year of Nicodorus correspond with 440 U.C., and the year of Praxibulus correspond with 439 U.C. Pliny says that Theophrastus wrote 390 years before his time. As Pliny died in the year 79, he appears to reckon 314 + 76 = 390. Niebuhr, Hist. vol. i. n. 39, remarks of the History of Plants, that 'Pliny places the composition of the whole work about the year 440 U.C.' The mention of Nicodorus, to which Pliny refers, occurs not in this work, but in the work on the Causes of Plants; see Schneider, vol. iv. p. 585. Theophrastus, however, mentions the Athenian archon Simonides, 311 B.C., in his History of Plants, vi. 3, and the expedition of Ophellas against Carthage, of 308 B.C., in the same work; iv. 2. Concerning the dates mentioned in the writings of Theophrastus, see Clinton, F. H. vol. ii. p. 366, n. 9.

Chapter XIV.

GENERAL RESULTS OF THE PRECEDING INQUIRY. COMPARISON WITH THE CORRESPONDING PERIOD OF GREEK HISTORY.

§ 1 THE entire ground of inquiry traced out in the introductory chapter, with respect both to the external attestation and the internal character of the early Roman history, has now been travelled over.(1) We have found that the extant narrative of Roman affairs, for the first four hundred and seventy-two years of the city, was not originally framed by contemporary historians; but was derived, by writers posterior to the events related, though prior to the extant historians, partly from oral traditions, and partly from written documentary sources, the nature of which is imperfectly reported. We have also seen that the historical narrative for the last two centuries of the Republic, rests on a wholly different basis, and was derived by the authors, in whose works we read it, from the writings of well-informed contemporary historians. We have further ascertained, by a detailed examination of the early historical narrative, in six successive periods,(2) that its internal character and texture exhibit on the whole such an appearance as its defective external attestation would lead one to expect. The results at which we have arrived, with respect to the external attestation, corroborated by the internal evidence of the narrative, are on the whole unfavourable to the credibility of the Roman history down to the war with Pyrrhus, and are to a great extent inconsistent with it.

In estimating the weight of the various circumstances which have been successively pointed out, in the course of the pre-

(1) See above, vol. i. p. 15-18.

(2) See above, vol. i. p. 264-6.

ceding investigation, much will depend upon the general principles respecting traditionary historical evidence, which the reader may be disposed to adopt. The discussion may therefore seem incomplete, unless some attempt is made to reconcile the discordant opinions on this important subject.

§ 2 All persons, to whatever school of historical criticism they may belong—from the extreme of the most incredulous rigour, to that of the most credulous laxity—agree in holding that a narrative, in order to be historical, must proceed ultimately from actual witnesses; from persons who had personal cognizance of the facts. Every historical event must have fallen under the observation of some living persons, and if they had not imparted to others the results of their observation, its occurrence never could have been known.

When therefore a narrative is presented to us from a time for which there were no national contemporary historians, as of the legislation of Solon, or of the siege of Veii, all agree in requiring that it should be ultimately traceable to some contemporary testimony, if it is to be received as historical. This contemporary testimony may be embodied in an ancient poem, or in some ancient inscription or record, or in a family register; or it may have been preserved by a faithful oral tradition reduced into writing by a subsequent generation. But all concur in demanding, as a preliminary condition to belief, that the memory of the events should have been preserved from the accounts of actual witnesses. It is indeed obvious that without some assumed personal attestation, as the highest link in the chain of evidence, an alleged historical narrative would stand on the level of any tale of fiction. What is it, for example, that constitutes the difference between a fiction which observes all the cánons of probability (such as one of Defoe's or Miss Austen's novels),(3) and a true narrative? It is that in the

(3) Walter Scott, in his Life of Defoe, Prose works, vol. iv. p. 262, furnishes an excellent explanation of the 'unequalled dexterity with which Defoe has given an appearance of reality to the incidents which he narrates.'

former the events described are purely subjective; that they owed their origin exclusively to the mind of the novelist: whereas the events in the latter are real objective occurrences, which were perceived and observed by the persons present when they took place, and through their report became known and believed.

The main difference, therefore, which subsists between the divergent schools of historical criticism, in reference to a narrative of this class, is as to the extent to which contemporary attestation may be presumed without direct and positive proof.(4) Those who incline to admit the historical character of events long anterior to contemporary history, either assume the existence of ancient records, inscriptions, poems, and family memoirs, which are not expressly mentioned, but are understood to have formed the basis of the extant account, or they suppose that the memory of the events was handed down from the original witnesses, who had personal knowledge of the facts, through certain intermediate links, to the writers who first rescued them from the unfixed state of oral repetition; or, they combine both these hypotheses. But whatever may be the hypothesis, or combination of hypotheses, which they may adopt, they must assume that the events of which they assert the historical character were

(4) Mr. Grote, arguing against Mr. Clinton's treatment of the early period of Greek history, makes the following remark: 'The word *tradition* is an equivocal word, and begs the whole question; for while in its obvious and literal meaning it implies only something handed down, whether truth or fiction, it is tacitly understood to imply a tale descriptive of some real matter of fact, taking its rise at the time when that fact happened, and originally accurate, but corrupted by subsequent oral transmission;' Hist. of Gr. vol. ii. p. 68. This 'tacit understanding' is the keystone of the whole argument; in order to invest a popular story respecting former times with the historical character, it must be assumed to have been faithfully handed down to the present generation, through successive stages, from the original eye-witnesses of the fact. On the other hand, Col. Mure, speaking of events prior to the age of contemporary historians, remarks:— 'It is obvious that in every such case, where, at the best, no positive historical proof is attainable, the balance of historical probability must reduce itself very much to *a reasonable indulgence to the weight of national conviction*, and a deference to the testimony of the earliest and most critical native authorities;' Hist. of the Lit. of Gr. vol. iii. p. 503. The 'reasonable indulgence,' of which Colonel Mure here speaks, necessarily implies that the 'national conviction' is ultimately traceable to the testimony of actual witnesses.

not mere ideas, but were real occurrences, the objects of external observation, which were known by the actors concerned, and perceived by the senses of the persons present on each occasion. This view is equally entertained by those who hold with the greatest strictness the canon of contemporary written evidence, and those who give the widest latitude to the dominion of authentic oral tradition. Both assume the same mode of proving the occurrence of a historical fact; but the former refuse to infer the existence of the proof from the existence of an oral tradition; the latter consider that inference legitimate. The former deny that the existence of a popular belief with respect to the past, derived from oral reports, raises a presumption that the events narrated were, at the time of their supposed occurrence, observed by credible witnesses, and by them handed down to posterity. The latter, on the other hand, hold that the existence of such a popular belief (combined perhaps with some accessary circumstances) authorizes the conclusion that the current story was derived from credible contemporary witnesses, and has descended from them in a substantially unfalsified state. For example, those who maintain that the account which has reached us, of the Doric invasion of Peloponnesus, and the return of the Heraclidæ, is historical, must assume that the prevalent belief in the reality of this event, which Herodotus and Thucydides found in existence, must have had a legitimate origin, and have been derived, through a long series of reporters, from the persons who had taken part in the expedition, or had witnessed its effects; who had seen the ships which had carried the invaders, and had witnessed the landing and march of the Doric bands. They may further assume that this belief was confirmed by the allusions of early poets, whose verses are no longer extant, and by the preservation of the names of the kings or chieftains of the invaders, in authentic contemporary registers, which were accessible to the historians of the fifth century, B.C. In like manner, a person who receives as historical the account of the expulsion of Tarquinius Superbus and the abolition of the royal government of Rome, as related by

Dionysius and Livy, must suppose that Fabius Pictor and the other historians, from whom they derived this narrative, found in existence an authentic oral tradition of the event, and that in reducing it into writing they were assisted by some documentary materials which served to fix the outlines of the transaction.

The difference between the opposite opinions on this subject is therefore a difference of degree, rather than of principle. Nobody asserts that all history must be taken directly from the reports of percipient witnesses. No historian applies the strict rule of judicial evidence, that all hearsay reports are to be discarded. In treating of the period which precedes contemporary history, all persons admit traditionary, secondary, or hearsay evidence up to a certain point. The question is, where that point ought to be fixed. On the other hand, no historical canon is so lax as to admit every traditionary story which is the subject of popular belief. It will not now be maintained that because Æneas was believed by the Romans to have landed in Latium, and because Julius Cæsar was believed by them to be the descendant of his son Iulus, therefore these were historical facts; it will not be maintained that because the Athenians believed themselves to be a nation sprung from the earth, and thought that their great hero Theseus slew the Cretan Minotaur, therefore these were real occurrences. The adherents of the opposite views concur in holding some intermediate opinion. They concur in thinking that an event, unrecorded by contemporaries, may be handed down to posterity by a substantially faithful oral tradition. They believe that the memory of a time, of which there is no contemporary historian, is not of necessity lost, but may be partially recovered from the oral traditions of the immediately subsequent generations; especially if the tradition be fixed and assisted by official records, private documents, and poems. They differ however as to the extent to which the existence of a popular belief concerning a supposed matter of fact authorizes the inference that it grew out of authentic testimony, assumed to have been handed down by a faithful oral tradition,

or to have been derived from poems and records, long since lost, but accessible to the ancient historians.

Colonel Mure, who, in certain points, allows a considerable latitude to the province of authentic tradition before the commencement of contemporary history, thus defines his views on the subject. 'Oral testimony (he says) can rank as strictly authentic evidence only where the person from whom it is derived was concerned in or cognizant of the events which he attests, or where he was at least contemporaneous with them; the events themselves being of sufficient general notoriety to warrant the belief that an intelligent contemporary would possess a competent knowledge of them. In respect to transactions of remoter date, such testimony loses its value in a degree commensurate with the greater or less remoteness of the date. Where the person affording it speaks not from contemporaneous knowledge or information, but from reports transmitted from a previous generation, his evidence becomes Tradition; where the supposed epoch of the events is still more remote, tradition degenerates into Legend or Mythology. If the stages through which tradition passes are few, and the organs of its transmission possess reasonable claims to be considered trustworthy, it may be allowed a share, however limited, of historical value; and a like indulgence may even, on valid grounds of speculative historical probability, be extended in special cases to mythical legend.'(5)

(5) Hist. of Lit. of Gr. vol. iv. p. 297. He here promises a further explanation of 'speculative historical probability,' which he subjoins in p. 318. 'The results of such speculative inquiry can never indeed (he says) possess the same value as those founded on authentic written documents. They can rarely amount to more than a fair presumption of the reality of the events in question, as limited to their general substance, not as extending to their details. Nor can these consequently be expected in the minds of different inquirers, any such unity regarding the precise degree of that reality as may frequently exist in respect to events attested by documentary evidence.' The principal grounds for admitting an element of truth in oral tradition are, according to Col. Mure: 1. The comparative recency of the age to which the tradition ascends. 2. The probability of the event, and the existence of an apparent causation. 3. The use of writing at the time to which the event is referred, for checking the licence of oral rumour. Compare also the remarks, ib. p. 65.

§ 3 The principles which are to serve as guides in determining this question have been incidentally illustrated in examining the evidences of Roman history, from the foundation of the city to the age of the kings, and during the two first centuries of the Republic. An attempt has been made to ascertain how far the narrative handed down to us as the true account of the affairs of Rome, for 472 years before the existence of contemporary historians, is deserving of our belief. Its constituent parts have, as far as possible, been dissected, with a view of discovering the foundations on which they severally rest, and of discriminating between those stories which are merely legendary, and those which are formed of more solid materials. The application of the rules of evidence to this semi-historical and crepuscular period —a period of which some knowledge has been preserved, though by imperfect means and in a deteriorated state—is however beset with difficulties, and in general leads only to doubtful and unsatisfactory results. Any additional light which could be thrown upon the subject would therefore be welcome; and some assistance would perhaps be derived from an application of the same principles to a different set of facts. With this view, it will be advisable, before this inquiry is concluded, to compare the corresponding period of Greek history, with a view of examining what are the evidences which support the received narrative of so much of that history as is antecedent to the age of the contemporary historians. If the principles which have been followed in the preceding examination of the early Roman annals are sound, they must be equally sound when applied to those of Greece.

§ 4 The age of contemporary Greek history may be considered as dating from the commencement of the fifth century before Christ, or about 250 years before the origin of native contemporary history at Rome. Thucydides was born in 471, Herodotus in 484, Hellanicus in 496,(6) and Charon of Lampsacus,

(6) These three dates are given by Pamphila ap. Gell. xv. 23. Pamphila lived in the reign of Nero. Her dates for the births of Hellanicus and Herodotus are disputed. See Mure, ib. vol. iv. p. 217, 308, 538. The

perhaps about 510 B.C.(7) The latter appears to have been the earliest Greek historian who narrated the events of his own time; and who recorded genuine historical accounts of a prior age, derived from monuments or oral traditions. The logographers of an early date, such as Acusilaus of Argos,(8) and Hecatæus of Miletus (who was contemporary with the Ionic revolt, and whose birth fell as early as about 550 B.C.),(9) did not write the history of their own times, or even of the times immediately preceding. Their genealogical works began with a theogony; and from the gods were deduced the pedigrees of the heroes, whose exploits were afterwards recounted in fabulous legends; but they did not descend to the historical times.(10)

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author of an ancient Life of Euripides says that Hellanicus was born on the day of the battle of Salamis—that is, in 480 B.C.; Biogr. Gr. p. 134, ed. Westermann. C. Müller conjectures that Hellanicus was born in 482 B.C.; Fragm. Hist. Gr. vol. i. p. xxv. With respect to the birth of Herodotus, see above, p. 73, n. 230.

(7) The birth of Charon is placed conjecturally by C. Müller, ib. p. xvii., in 512 B.C.

(8) For an account of his writings, see Mure, ib. p. 164—70. Colonel Mure says of Charon, that he 'is the first prose author ascertained to have selected his subjects from historical times; and he also appears to have treated them in a rational and honest spirit. He may therefore, in regard to the fundamental requisites of their common art, fairly compete with Herodotus for the honourable title of Father of History.' Dionysius speaks of him as having occupied the ground subsequently travelled over by Herodotus: Οὐ μὴν Ἡρόδοτός γε τοῦτ' ἐποίησεν, ἀλλὰ, τῶν πρὸ αὐτοῦ συγγραφέων γενομένων Ἑλλανικοῦ τε καὶ Χάρωνος τὴν αὐτὴν ὑπόθεσιν προεκδεδωκότων, οὐκ ἀπετράπετο, ἀλλ' ἐπίστευσεν αὐτῶν κρεῖσσόν τι ἐξοίσειν· ὅπερ καὶ πεποίηκε. Epist. ad Pomp. c. 3, § 7.

(9) He is mentioned by Herodotus in connexion with public events of the years 501 and 497 B.C. (v. 36, 125.) An anecdote of Hecatæus in 494 B.C. is told by Diod. x. 59, ed. Bekker. Compare Mure, ib. vol. iv. p. 143. There is no reason for supposing that these events in the life of Hecatæus were recorded in any of his own writings, which did not touch upon contemporary history. The supposition of Mr. Grote that Hecatæus may have been with the Ionian fleet at the island of Lade (about 498 B.C.), and have described what he actually saw and heard (vol. iv. p. 406), is not supported by the extant accounts of the writings of this logographer.

(10) 'These early cultivators of the new style, Cadmus, Acusilaus, and their contemporaries, far from directing their talents to any such useful ends, were content to borrow their subjects, as exclusively as the old metrical genealogists, from the mythical ante-Dorian period. Their compositions were in fact little more than prose paraphrases of those antiquated performances;' Mure, ib. p. 66. The genealogical work of Acusilaus 'seems to have been confined to purely fabulous matter;' ib. p. 134. The 'genealogies' of Hecatæus narrated, like those of Acusilaus, the pedigrees

Strabo declares that the works of the early historians, such as Cadmus, Pherecydes, and Hecatæus, had the poetical character in everything except metre;(11) that is to say, their writings were full of the marvellous legends and fictitious tales which formed the material of the early epic poetry.

Josephus, in his Discourse against Apion, contrasts the antiquity of historical registration among the Egyptians, Babylonians, Phœnicians, and Jews, and the stability of their traditions of the past, with the recency of history among the Greeks, and the perishableness of their historical reminiscences. 'The Greek populations,' he says, 'have been exposed to innumerable catastrophes and changes, which have obliterated the memory of preceding times.(12) Their knowledge of the art of writing is comparatively late: those who give it the earliest date, boast that the Greeks learnt the art from Cadmus and the Phœnicians; yet they are unable to show any extant record of that time, in any sacred or civil depository. There has been much controversy whether the subsequent generation, who warred

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and adventures of the heroes of the mythical age, and these two works appear, in all fundamental respects, to have resembled each other; ib. p. 158. It is highly doubtful whether the ancient Dionysius of Miletus wrote any work of genuine historical character; ib. p. 164. The researches of Xanthus, in his Lydiaca, 'appear to have been chiefly confined to the mythical annals of his country;' ib. p. 172. A similar view is taken by Niebuhr, in his Lectures on Ancient History. He says that the Greek historians before Herodotus were logographers, in the true sense of the term—that is, collectors of traditions of the past. These traditions were not history, but popular and poetical stories. Their works were written in prose, but either set out from theogonies, or contained the substance of epic poems. They were altogether genealogical, and moved in a legendary world. It is, he adds, a complete misconception of the idea of history, to call Pherecydes of Syros and Acusilaus historians; vol. i. p. 168-9, ed. Schmitz.

(11) *πρώτιστα γὰρ ἡ ποιητικὴ κατασκευὴ παρῆλθεν εἰς τὸ μέσον καὶ εὐδοκίμησεν· εἶτα ἐκείνην μιμούμενοι, λύσαντες τὸ μέτρον, τἆλλα δὲ φυλάξαντες τὰ ποιητικά, συνέγραψαν οἱ περὶ Κάδμον καὶ Φερεκύδη καὶ Ἑκαταῖον*, i. 2, § 6.

(12) This appears to be taken from the dialogue between the Egyptian priest and Solon, reported in the Timæus of Plato. The priest says to Solon that the Greeks are always children, and that there is no aged Greek. Being asked to explain his meaning, he proceeds thus: *Νέοι ἐστὲ τὰς ψυχὰς πάντες· οὐδεμίαν γὰρ ἐν αὐταῖς ἔχετε δι' ἀρχαίαν ἀκοὴν παλαιὰν δόξαν οὐδὲ μάθημα χρόνῳ πολιὸν οὐδέν. τὸ δὲ τούτων αἴτιον τόδε. πολλαὶ καὶ κατὰ πολλὰ φθοραὶ γεγόνασιν ἀνθρώπων καὶ ἔσονται, πυρὶ μὲν καὶ ὕδατι μέγισται, μυρίοις δὲ ἄλλοις ἕτεραι βραχύτεραι*, p. 22.

against Troy,(13) were acquainted with writing; and the prevailing opinion is, that they were ignorant of that art. It is certain that the Greeks possess no written composition which is admitted to be earlier than the poems of Homer. The time of Homer was subsequent to the Trojan war; and it is said that even his poems were not left by him in writing, but were afterwards collected from memory as they were sung in separate portions; which mode of preservation has led to their numerous discrepancies. Those who made the first essays of historical composition in Greece, Cadmus of Miletus, Acusilaus of Argos, and others of the same class, were only a little anterior to the Persian war.'(14)

Josephus further adverts to the absence of all registration of events by public authority in Greece. 'Not only (he remarks) was the keeping of public annals neglected by the Greeks in general, but even the Athenians, who are said to have been the aboriginal inhabitants of their country, and to have cultivated literature, had no such institution: their earliest public document is said to be the laws of Draco, only a little prior to the time of Pisistratus.'(15) It has been observed, in a former chapter, that the Greek history had, from its outset, a spontaneous and individual character, and grew out of the literary tastes of the nation; instead, like the Roman history, of taking its origin from annals compiled by public officers under the superintendence of the state.(16)

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(13) The Parian marble places Cadmus 310 years before the fall of Troy; Mr. Clinton however (who treats Cadmus as a historical personage) thinks that 130 years is sufficient; F. H. vol. i. p. 85.

(14) Cont. Apion. c. i. § 2. (15) Ib. § 4.

(16) Above, vol. i. p. 97. The freedom of individual judgment which constitutes one of the great excellences of the Greek historiography stands in remarkable contrast with the character of the oriental histories, the only works of a historical nature which existed when the Greeks began to write narratives of facts. 'In the great monarchies of Asia (says Mr. Clinton) oriental history has seldom been faithfully delivered by the orientals themselves. In the ancient times, before the Greek kingdoms of Asia diffused knowledge and information, it is not likely that history would be undertaken by private individuals. The habits of the people, and the form of their governments, precluded all free inquiry and any impartial investigation of the truth. The written histories of past transactions would be

Dionysius of Halicarnassus describes the early Greek historians, who preceded Thucydides, and lived before the Peloponnesian war, as resembling one another in their choice of subjects and style of composition. 'Some (he says) wrote histories of Greek, others of barbarous countries; not combining them into a single narrative, but treating each separately. Their common object was to collect the memorials preserved in the different nations and cities, whether in sacred or civil depositories, and to publish them for general information, in the form in which they were obtained, without addition or subtraction. Among these were fables which had been believed on account of their great antiquity, and marvellous occurrences, which seem puerile to the present generation. The diction of these historians was for the most part moulded in the same type: it was perspicuous, pure, free from peculiarities of phrase, concise, and suited to the subject; and there was no appearance of artificial elaboration. Nevertheless, their compositions possess a certain pleasing grace, some in a greater, some in a less degree; on which account they still meet with readers.'(17) Afterwards he adds, that much excuse is to be made for these writers, if they admitted fabulous stories into their works. For in all countries and cities, memorials of such tales were carefully preserved; and handed down from father to son; and the possessors of such traditions required the historians to publish them in the precise form in which they had been received from the former generations.(18)

The account which Dionysius gives elsewhere of the early Roman historians deriving the events of their native history from

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contained in the archives of the state; and these royal records, drawn up under the direction of the reigning despot, would deliver such a representation of facts as the government of the day thought fit to give; just so much of the truth as it suited their purpose to communicate;' Fast. Hell. vol. ii. p. 307.

(17) ἵνα καὶ τὸν αὐτὸν φυλάττοντες σκοπὸν, ὅσαι διεσώζοντο παρὰ τοῖς ἐπιχωρίοις μνῆμαι κατὰ ἔθνη τε καὶ κατὰ πόλεις, εἴτ' ἐν ἱεροῖς, εἴτ' ἐν βεβήλοις ἀποκείμεναι γραφαὶ, ταύτας εἰς τὴν κοινὴν ἁπάντων γνῶσιν ἐξενεγκεῖν οἵας παρέλαβον, μήτε προστιθέντες αὐταῖς τι μήτ' ἀφαιροῦντες. De Thuc. Jud. c. 5. Krüger reads γραφαῖς for γραφαὶ upon conjecture; but the text seems right as it stands.

(18) Ib. c. 7.

ancient traditions preserved in sacred registers,(19) is not unlike his description of the sources from which the Greek logographers drew the materials for their works. His characteristic of their diction is probably also applicable to the class of Roman historians, whom Cicero criticises with so much severity.(20) The marvellous stories collected by the Greek logographers are particularly indicated by Dionysius, and the stories of early Roman history were not dissimilar; it may however be doubted whether, as he supposes, the Greek logographers were reluctant instruments in their publication, and whether the historians did not share the popular belief in the reality of the events which they recounted.(21)

The earliest Greek writer who was a contemporary historian in the strict sense of the word—who narrated events which had occurred since he had reached the age of manhood—was Thucydides. His proper subject was the Peloponnesian war; and he lived through the whole of it (as he himself informs us), an attentive observer of its events;(22) having been forty years of age at its commencement, and sixty-seven at its termination. He was not able to complete his history: the last book is unfinished; and breaks off abruptly in 411 B.C., seven years before the end of the war.(23)

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(19) Above, vol. i. p. 89, n. 39.

(20) Above, vol. i. p. 40-1.

(21) See Krüger, Dionysii Historiographica (Hal. Sax. 1823), p. 74.

(22) v. 26. See above, p. 266, n. 46. He mentions that he himself was one of the sufferers from the plague of Athens, in 430 B.C.; ii. 48. He also states that he lived in exile for twenty years after 424 B.C. (v. 26), that is to say, until the end of the war. Marcellinus, Vit. Thuc. 19, 20, states that Thucydides married a Thracian wife, who was very wealthy, and possessed mines in Thrace: and that he did not spend this income in luxurious living, but from the beginning of the Peloponnesian war he gave money to Athenian and Lacedæmonian soldiers, and others, to bring him intelligence of the things done and said in different places.

(23) Niebuhr, not considering Herodotus as properly a contemporary historian, makes Thucydides the earliest Greek who wrote history, strictly so called. 'The first real and true historian (he says), according to our notion, was Thucydides; as he is the most perfect historian among all that have ever written, so he is at the same time the first: he is the Homer of historians;' Lect. on Anc. Hist. vol. i. p. 169. In the following passage, he bestows similar praise upon Thucydides, without however denying to

Thucydides prefixes to his history, a digression, or introductory episode, containing an account of the affairs of Greece between the Persian and the Peloponnesian wars, in order that he may explain the causes which led to the formation of the Athenian empire. He describes himself as having inserted this narrative, because all the previous writers had either related the affairs of Greece before the Persian war, or had composed the history of the Persian war itself, and none had descended to the subsequent period, except Hellanicus, who had treated it in his Attic history, but briefly, and without attention to chronology.(24) The narrative which he thus introduces, comprehends the course of events from the battle of Mycale, in 479 B.C., to the surrender of Samos, in 440 B.C.(25) As Thucydides was born in 471 B.C., the chief part of this period fell within his life; but there was only a small portion of which he could be considered as an intelligent witness, and his knowledge of it must have been principally derived from persons of the preceding generation, within whose lifetime the whole interval was included.

Herodotus the appellation of a historian. 'The Peloponnesian war, which in some respects resembles that against Hannibal, is the most immortal of all wars, because it is described by the greatest of all historians that ever lived. Thucydides has reached the highest attainable point in historiography, both in regard to the positive historical certainty, and to the animated style of the work;' ib. vol. ii. p. 34. It is difficult to speak too highly of Thucydides, or to overrate his excellences as a historian: nevertheless, it must be remembered that he wrote before the age of paper, printing, newspapers, maps, roads, a letter-post, shorthand writing, or a chronological notation; and that all the speeches in his history (which form nearly a fourth part of the entire work), though stated to represent the general effect of what was really said, are avowedly composed by the author himself. When it is affirmed that he stands before all other historians, with respect to 'positive historical certainty,' the material disadvantages under which he necessarily laboured, as compared with a modern historian, ought to be borne in mind.

(24) *ἔγραψα δὲ αὐτὰ καὶ τὴν ἐκβολὴν τοῦ λόγου ἐποιησάμην διὰ τόδε, ὅτι τοῖς πρὸ ἐμοῦ ἅπασιν ἐκλιπὲς τοῦτο ἦν τὸ χωρίον, καὶ ἢ τὰ πρὸ τῶν Μηδικῶν Ἑλληνικὰ ξυνετίθεσαν ἢ αὐτὰ τὰ Μηδικά· τούτων δὲ ὥσπερ καὶ ἥψατο ἐν τῇ Ἀττικῇ ξυγγραφῇ Ἑλλάνικος βραχέως τε καὶ τοῖς χρόνοις οὐκ ἀκριβῶς ἐπεμνήσθη*, i. 97.

(25) i. 88—117. Concerning this portion of the history of Thucydides, see Clinton, F. H. vol. ii. app. c. 8. A detailed account of the treason and death of Pausanias the Spartan (477 to about 470 B.C.), is also given in i. 128—135, as well as of the treason of Themistocles (466—449 B.C.) ib. 135-8.

§ 5 The continuous historical narrative of Grecian affairs, given by Herodotus, may be considered as commencing with the Naxian war, and the revolt of the Ionians, in 501 B.C., and it is brought down to the surrender of Sestos, in 478 B.C., where it terminates somewhat abruptly. As 484 B.C. is the earliest date assigned for the birth of Herodotus, he was not a contemporary observer of any portion of the period comprised within his history; he was only six years old when the last event related in it took place.(26) The whole of this eventful period of twenty-three years was however comprehended within the lives of the previous generation. A man twenty-five years old at the battle of Marathon, would have only just passed sixty years, when Herodotus had reached the age of thirty; a man twenty-five years old at the Ionic revolt, would have just passed seventy years when Herodotus had reached the same age. It is undoubtedly true that Herodotus would have had a fuller and more accurate knowledge of the Ionic revolt,(27) if, like the historian Hecatæus,

(26) Pliny, after citing some statements of Herodotus concerning ivory, proceeds thus: 'Tanta ebori auctoritas erat, urbis nostræ trecentesimo decimo anno (= 444 B.C.): tunc enim auctor ille historiam eam condidit Thuriis in Italiâ;' N. H. xii. 8. Lucian, Herod. c. 1, supposes him to have composed his history at Halicarnassus, before he visited Greece. The stories of his recitations, in late Greek writers, imply the belief that parts at least of his work were in existence before he went to Thurii. The arguments of Dahlmann, Herodot. p. 38—52, only prove that the composition of his work, as we have it, was not completed until he was an old man: they prove nothing as to the time when the materials for it were collected, and the composition was commenced.

(27) Niebuhr exaggerates the interval between the time of the events in the history of Herodotus, and the time when he collected the evidence respecting them, by assuming 420 B.C. as the year from which he reckons: in 420 B.C. Herodotus was sixty-four years old, and even if he composed his history at this age (of which there is no proof), it does not follow that his materials had not been previously obtained. 'When Herodotus wrote (he says), fifteen olympiads, that is, sixty years, had passed away since the expedition of Xerxes, and seventy years since the battle of Marathon. Now if before him no important historical work was written upon these events, pray consider what changes, during so long a period, may have taken place in a tradition which was not fixed by writing, and how many fabulous additions may have been made to it. It is well-known that the account of Napoleon's expedition to Egypt has already assumed, in the mouth of the Egyptian Arabs, such a fabulous appearance that it might seem to have required a century to develop it; and instances of the same kind occur frequently. At a time when an occurrence engrosses the mind of everybody, the account of it undergoes incredible changes; events are

he had taken part in the deliberations of the revolted Ionians; and of the Persian war, if, like Æschylus, he had fought at Marathon, Salamis, and Platæa.(28) Nevertheless, many persons who were contemporaries of these events were alive in his time, and he had access to the testimony of actual witnesses.(29) His account of the affairs of Greece, from the Ionic revolt downwards, may therefore be considered as resting on a basis of authentic evidence.(30)

Whether Hellanicus narrated the Ionic revolt and the Persian war with more copiousness, and chronological accuracy, than the period between the Persian and Peloponnesian wars, we are ignorant:(31) but he stood to the history of that epoch in nearly

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transposed from an earlier to a later time, and *vice versâ*; we can scarcely form an idea of this vivacity and elasticity of traditions, because in our days everything is immediately put upon record;' Lect. on Anc. Hist. vol. i. p. 321. What the legendary accounts of Napoleon's expedition to Egypt which are related by the Arabs may be, I am ignorant; but assuming them to depart widely from the truth of history, this example of an illiterate credulous oriental people is not applicable to Herodotus, a cultivated, intelligent Greek, who, though he might not be a very severe and critical judge of evidence, was nevertheless inquisitive, honest, and desirous of ascertaining the truth, and too judicious to be satisfied with mere popular rumours.

(28) See the Life of Æschylus in Westermann's Biogr. Gr. p. 118. Paus. i. 14, § 5, mentions Marathon, Artemisium, and Salamis. Æschylus was born in 525 and died in 456 B.C.; he was therefore forty-one years older than Herodotus; and he died when Herodotus was twenty-eight years old. Pindar was born a few years after Æschylus.

(29) Herodotus states that he himself received from a certain Thersander, of Orchomenos, an account of a banquet given by Attaginus, of Thebes, to Mardonius and fifty of the most distinguished Persians, and also to fifty Thebans, a short time before the battle of Platæa. Thersander described himself as having been invited to this banquet, and as having conversed with the Persian who reclined on the same couch with himself. The Persian (who was able to speak Greek) expressed his fear that a great catastrophe would befal the army of Mardonius, and his regret that prudent counsels met with no attention, as the gods had determined on their ruin. *τὰ δὲ ἤδη τὰ ἐπίλοιπα* (Herodotus says), *ἤκουον Θερσάνδρου, ἀνδρὸς μὲν Ὀρχομενίου, λογίμου δὲ ἐς τὰ πρῶτα ἐν Ὀρχομενῷ*. Afterwards he adds: *ταῦτα μὲν τοῦ Ὀρχομενίου Θερσάνδρου ἤκουον· καὶ τάδε πρὸς τούτοισι, ὡς αὐτὸς αὐτίκα λέγοι ταῦτα πρὸς ἀνθρώπους πρότερον ἢ γενέσθαι ἐν Πλαταιῇσι τὴν μάχην*, ix. 16. Herodotus likewise intimates that the curious account of the negotiation of Aristagoras with Cleomenes, king of Sparta, was related to him by Lacedæmonian informants; v. 49.

(30) Niebuhr considers the history of the Ionian revolt in Herodotus as 'true and certain;' ib. p. 322.

(31) Only one fragment relative to this period is extant: fragm. 81,

the same relation as Herodotus; inasmuch as he was only a youth of sixteen when the battles of Thermopylæ and Salamis were fought; and his account of the contest with Persia must have been derived from the information of his seniors. Phrynichus, however, whose active career on the tragic stage of Athens lasted from 511 to 476 B.C., wrote two historical dramas, relating to events of this period; one, The Capture of Miletus, which described the conquest of that city by the Persians, in 494 B.C.;(32) the other, The Phœnissæ, which described the defeat of Xerxes.(33) The Persians of Æschylus, the subject of which is stated to have been imitated from that of The Phœnissæ of Phrynichus, likewise contains the testimony of a contemporary, not only to the defeat of Xerxes at Salamis, and his disastrous retreat through Thessaly and Thrace, but also to the bridge of boats constructed across the Hellespont, and the subsequent battle of Platæa.(34) Simonides of Ceos, who was born in 556 and died in 467 B.C., and whose lifetime therefore extended over the entire period of the Persian war, likewise commemorated all the principal feats of Grecian heroism during that conflict, in epigrams, intended for various public monuments in different parts of Greece, as well as in other occasional poems.(35)

§ 6 So much of the relations of Greece and Persia as is subsequent to the Ionic revolt lay completely within the horizon of the generation who preceded Herodotus, and with whom he conversed. This can hardly be said of the earlier portion of the reign of Darius (521—502 B.C.): a man who was twenty-five

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see Mure, ib. p. 229. The great majority of the passages cited from Hellanicus relate to the mythical period; see Fragm. Hist. Gr. vol. i. p. 45—69.

(32) Herod. vi. 21. See Grote, vol. iv. p. 416.

(33) See Arg. ad Æsch. Pers., where it is said of this play: *εὐνοῦχός ἐστιν ἀγγέλλων ἐν ἀρχῇ τὴν τοῦ Ξέρξου ἧτταν στρωννύς τε θρόνους τινὰς τοῖς τῆς ἀρχῆς παρέδροις.* See Blomfield, Præf. ad Pers. p. iii.; Wagner, Poet. Trag. Gr. Fragm. vol. iii. p. 8.

(34) See Æsch. Pers. 65—71, 722. 745-8, 803—20. The battle of Marathon is likewise mentioned in v. 475. The Persæ of Æschylus was acted in 472 B.C., eight years after the battle of Salamis.

(35) See fragm. 58, 59, 148, 149, 150, 151, 152, 153, 154, 155, 157, 158, 159, 160, 161, 165, 166, 167, 187, 188, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200; ed. Schneidewin.

years old at the accession of Darius, would have passed the age of eighty while Herodotus was still a youth. The series of the Persian kings from Cyrus downwards must however have lain within the range of the contemporary Greek literature: Æschylus was born during the reign of Cambyses, and was forty years old at the accession of Xerxes. Atossa, who appears as a character in his drama of The Persians, is intimately related with all the princes of the Persian line, during the time of which we are speaking; for she is the daughter of Cyrus, the wife of her brother Cambyses, and afterwards of Smerdis the Magus; lastly, she becomes the wife of Darius, and the mother of Xerxes.(36)

The expedition of Darius into Scythia was in the early part of his reign, and has been placed conjecturally about 515 B.C. It has been supposed that as the whole of Western Asia had already been reduced under the dominion of the successors of Cyrus, he wished to make the Euxine a Persian lake:(37) others have thought that his object was, not to conquer the country, but to weaken and humble the people.(38) Whatever may have been the aim of his expedition, he seems to have exhausted upon it all the resources of his vast empire: his army is computed at 700,000 men, his fleet at 600 ships. He caused a list of the nations which he ruled, and which each of them furnished a contingent to this great armament, to be engraved on two columns of white marble, in Assyrian characters on one, and in Greek on the other; and he erected them near the Bosporus. Herodotus states that these columns were afterwards removed by the Byzantians to their city, and used for the altar of the Orthosian Diana, with the exception of one stone, which was left near the temple of Bacchus, covered with an Assyrian in-

(36) See Herod. iii. 88. Æschylus speaks of her as advanced in years at the time of the battle of Salamis:

> ὦ βαθυζώνων ἄνασσα Περσίδων ὑπερτάτη,
> μῆτερ ἡ Ξέρξου γεραιά, χαῖρε, Δαρείου γύναι,
> θεοῦ μὲν εὐνήτειρα Περσῶν, θεοῦ δὲ καὶ μήτηρ ἔφυς.
>
> Pers. 155—7. cf. 832.

(37) Niebuhr, Lect. on Anc. Hist. vol. i. p. 140.

(38) Thirlwall, Hist. of Gr. vol. ii. p. 198.

scription. He seems to give this information from personal inspection.(39)

Darius ordered that a bridge should be made across the Thracian Bosporus, and this work was executed by Mandrocles the Samian, who was richly rewarded for his success. In memory of this achievement, Mandrocles caused a painting of the bridge to be executed, with the army passing it, and Darius sitting in his throne of state, which he dedicated in the temple of Juno, at his native town of Samos, with a commemorative epigram, cited at length by Herodotus.(40) By this bridge, Darius, with his enormous army, crossed into Thrace; and he marched over Mount Hæmus(41) to the Danube, where the Ionian fleet had already prepared a bridge for the passage of the army into Scythia. On his way he remained three days at the sources of the river Tearus, where he set up an inscription, the words of which are likewise adduced by Herodotus.(42) He first ordered the Ionians to break up the bridge as soon as his army had crossed, and to follow the expedition; but on being warned of the danger of this step, he made sixty knots in a thong, and gave it to them, with an order to untie a knot every day, and if at the end of sixty days he had not reappeared, to return to their respective homes.(43)

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(39) Herod. iv. 87.

(40) Ib. c. 88. See above, vol. i. p. 150, n. 65. Niebuhr, ib. p. 146, considers the passage of the Bosporus by Darius, on a bridge of ships, as historical. Some verses from the description of the passage of the Persian army over the bridge of Darius were cited from Choerilus by Ephorus, according to Strab. vii. 1, § 9; but Naeke, Choerilus, p. 126—9, thinks that it is a mistake of citation for the bridge of Xerxes.

(41) Niebuhr thinks that Darius crossed the Hæmus at its eastern extremity, on the line followed by Diebitsch and the Russians in 1828; ib. p. 145.

(42) Ib. c. 90-1.

(43) Ib. c. 97-8. Herodotus says that the bridge over the Danube was made at a distance of two days' sail from the sea, just above the division of its mouths, c. 89, of which, according to Herodotus, c. 47, there were five. Niebuhr says that the place was near Galatz, but below the junction of the Pruth, ib. p. 146. Darius crossed the Danube at the lower part of the island of Peuce, which is 120 stadia (fifteen miles) from the mouth, according to Strab. vii. 3, § 15, who says that the Danube has seven mouths. The Scythian expedition of Darius is described by Ctesias, c. 16-7, who recognises both the bridge over the Bosporus and that over

The description of the march which follows is so strange and incoherent; it assumes such vast spaces of uncultivated country to be travelled over, and so many large rivers to be crossed, by an enormous Persian army, that modern historians concur in regarding it as fabulous, and abandon all attempt at extracting from it any true history.(44) Darius is represented as having marched in an easterly direction, and as having penetrated considerably beyond the Tanais, though without ever meeting any large Scythian army. He is stated to have built eight large

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the Danube, as well as the army of 800,000 men. He states that Darius destroyed the bridge over the Bosporus before his entire army had crossed, and that 80,000 men, who were left behind, were killed by Scytharus, the Scythian king, who had pursued the Persians. This number agrees with the number of men who, according to Herodotus, were left under the command of Megabazus, in order to subdue Thrace. Ctesias adds that when Darius had passed the Bosporus, he burnt the town of Chalcedon, because the Chalcedonians had attempted the destruction of the bridge over the Bosporus, and because they had removed an altar which he had erected in memory of his first passage. He afterwards assigns the attempt of the Chalcedonians to destroy the bridge as one of the reasons for the subsequent invasion of Greece by Xerxes; c. 21. Ctesias lived at the court of Persia during the reign of Artaxerxes Mnemon, who reigned from 405 to 362 B.C. Strabo, xiii. 1, § 22, says that Darius burnt Abydos and other towns on the Propontis, and that his object was to prevent these towns assisting the Scythians in crossing the Bosporus to Europe, in order to avenge his invasion of Scythia. This statement evidently alludes to the same fact as that mentioned by Ctesias.

(44) 'So far the proceedings of Darius are intelligible; but his adventures in Scythia elude every attempt to conceive their real nature and connexion. The description Herodotus has left of them undoubtedly contains many genuine features, but can scarcely be trusted for a correct historical outline;' Thirlwall, Hist. of Gr. vol. ii. p. 200. 'The narrative of Herodotus in regard to the Persian march north of the Ister seems destitute of all the conditions of reality. . . . . Here we re-enter the world of reality at the north bank of the Danube, the place where we before quitted it; all that is reported to have passed in the interval, if tried by the tests of historical matter of fact, can be received as nothing better than a perplexing dream. . . . That Darius actually marched into the country, there can be no doubt: nothing else is certain, except his ignominious retreat out of it to the Danube; for of the many different guesses, by which critics have attempted to cut down the gigantic sketch of Herodotus into a march with definite limits and direction, not one rests upon any positive grounds;' Grote, Hist. of Gr. vol. iv. p. 354—61. Niebuhr, likewise, after analyzing the account of the march of Darius in Scythia, rejects it as fabulous; ib. p. 157-8. 'The expedition of Darius against the Scythians (he observes) is a remarkable instance of the phenomenon, that at an age so near to the historical times, so many things which are impossible and inconceivable are related as facts by a man of the greatest intelligence and judgment.' See also Mure, vol. iv. p. 411—5.

forts or castles, near a river falling into the lake Mæotis, the ruins of which were extant in the time of Herodotus.(45) His language seems to imply that he had seen, near the Sea of Azoff, some remains of fortifications, the construction of which was attributed by the natives to Darius.

The termination of this expedition is narrated by Herodotus as follows:—After the sixty days prescribed by Darius have expired, a body of Scythians come down to the Danube, and exhort the Ionians to destroy the bridge, telling them that this step will ensure the entire ruin of the Persian army, and achieve their own independence. Miltiades is in favour of adopting this advice, but Histiæus of Miletus reminds his brother despots that their power rests on Persian support, and that if the Greek towns of Asia become independent, the people will at the same time take the government into their own hands.(46) They therefore decide only to break off a portion of the bridge on the Scythian side of the river, while they retain the chief part unimpaired; and they induce the Scythians to go in search of the Persian army. Shortly afterwards, Darius, having abandoned the weaker part of his army to their fate, arrives at the bridge, and crosses the Danube in safety. He himself returns by the Bosporus; but leaves Megabazus with 80,000 men to reduce Thrace.(47)

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(45) *τῶν ἔτι ἐς ἐμὲ τὰ ἐρείπια σῶα ἦν*, iv. 124. Strabo says that the army of Darius would have perished from thirst in the desert between the Ister and the Tyras (the Dniester), if he had not turned back; vii. 3, § 14. He therefore supposes it to have gone only a short distance to the east.

(46) The names and countries of these despots are fully stated by Herodotus, c. 138.

(47) Herod. iv. 134—44. According to Herodotus, the Scythians said of the Ionians, that, looking at them as freemen, they were the most dastardly of mankind; looking at them as slaves, there were none imbued with so servile a spirit: *ἀνδράποδα φιλοδέσποτα φασὶ εἶναι καὶ ἄδρηστα μάλιστα*, c. 142. Whoever was the author of this saying, it faithfully expresses a Greek feeling. A Greek who loved political slavery was the object of the bitterest contempt. Compare the verses of Theognis:—

Λὰξ ἐπίβα δήμῳ κενεόφρονι, τύπτε δὲ κέντρῳ
ὀξέϊ, καὶ ζεύγλην δύσλοφον ἀμφιτιθει.
οὐ γὰρ ἔθ' εὑρήσεις δῆμον φιλοδέσποτον ὧδε
ἀνθρώπων, ὁπόσους ἠέλιος καθορᾷ.

v. 845—8.

Herodotus states elsewhere, that the Scythians, desirous of revenging

Although Hecatæus of Miletus was a contemporary observer of the Scythian expedition of Darius, there is no reason to suppose that he included a narrative of it in any of his writings.(48) We may however assume that Herodotus was able to obtain an authentic account of these transactions, so far as they had fallen under the direct observation of the Ionians. Their personal knowledge was indeed bounded by the Danube. That part of the expedition which consisted of marches in Scythia must have been related to the Ionians either by Persians or Scythians, and was imbued with the fabulous colour which it was likely to receive from such informants. This expedition is properly an example of mythico-historical narrative; the fabulous part being that derived from barbarian, the historical part being that derived from Greek witnesses. There is no reason for supposing that Herodotus himself fabricated the account of the adventures of Darius in Scythia. His account was doubtless received from Ionians, and their account was probably received, in substance, from Persians or Scythians.

§ 7 When we ascend the Athenian history to the stage next above the Persian war, we arrive at the Pisistratic period,

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themselves upon Darius, sent ambassadors to Sparta, in the time of Cleomenes, to propose a joint expedition against the Persian king. The plan was that the Scythians should land near the Phasis, and the Lacedæmonians near Ephesus, and should afterwards meet. Cleomenes is related to have had many interviews with these ambassadors; vi. 84. Alexander the Great said that Darius made himself the laughing-stock of the Scythians; Arrian, Anab. iv. 4.

(48) Speaking of the decision of the Ionians to preserve the bridge, Mr. Grote says: 'We may remark that the real character of this impelling motive, as well as the deliberation accompanying it, may be assumed as resting on very good evidence, since we are now arrived within the personal knowledge of the Milesian historian Hecatæus, who took an active part in the Ionic revolt a few years afterwards, and who may perhaps have been personally engaged in this expedition;' ib. vol. iv. p. 366. Afterwards he adds: 'I have already observed that the historian Hecatæus must have possessed personal knowledge of all the relations between the Ionians and Darius, and that he very probably may have been even present at the bridge: all the information given by Hecatæus upon these points would be open to the inquiries of Herodotus;' ib. p. 368. There is however nothing to make it probable that Hecatæus wrote any contemporary history; or that the circumstances in his life mentioned by Herodotus were derived from his writings.

which fills just one-half of the century preceding the battle of Marathon. The despotism of Pisistratus and his son Hippias, extends, with certain intervals of exile, from 560 to 510 B.C.(49) In the first of those years, Pisistratus obtained a bodyguard by the wellknown stratagem of self-wounding, which imposed upon his countrymen, and with the assistance of his bodyguard he afterwards seized the Acropolis.(50) At a later date he recovered the supreme power by the equally successful stratagem of the personation of Minerva;(51) he died in 527 B.C., and his eldest son Hippias succeeded to his power. In 514 B.C., the celebrated attempt of Harmodius and Aristogiton took place, which resulted in the death of Hipparchus, the younger brother of Hippias; in 510 B.C. Hippias was ejected by the Lacedæmonians, and the Pisistratic dynasty came to an end. The ten years which ensued between the expulsion of the Pisistratidæ, and the commencement of the Ionic revolt, were marked by the party contests of Clisthenes and Isagoras, the remodelling of the Athenian tribes by Clisthenes, the interference of Cleomenes at Athens, at the instigation of Isagoras, and its defeat by the popular party; the demand of Cleomenes for the banishment of the Alcmæonidæ, as being under a curse; his subsequent expedition against Athens, and its failure; and the Peloponnesian congress assembled at Sparta to decide upon the restoration of Hippias.(52)

The whole of this period is within eighty years before the birth of Herodotus, and we may reasonably assume that he would have been able, at Athens, to collect oral traditions concerning it which rested on a historical basis. The transactions

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(49) 'Obscure as is the history of Pisistratus, I still believe that we may assume the chronological dates of his reign and that of his sons to be certain, while the details of his history are problematical. . . . The history of the Pisistratids is very much like many portions of Roman history, *where the most minute narrative are for the most part unhistorical, while the indefinite statements are more correct;*' Niebuhr, ib. p. 291.

(50) Herod. i. 59. Solon is supposed to have said that this act of Pisistratus was owing to Thespis, who had set the bad example of scenic representation; Diog. Laert. i. § 60.

(51) Herod. ib. 60. (52) Herod. v. 66—91.

subsequent to the expulsion of Hippias were comparatively recent, and no doubt need be entertained as to the narrative of them in Herodotus being substantially veracious. His account of the rule of Pisistratus is brief, as the memory of it had doubtless grown faint in his time; but the two contrivances by which Pisistratus had acquired and recovered his power had doubtless, from their singularity, retained a hold on the public memory, and been in the main faithfully handed down by oral tradition.

A detailed account of the conspiracy of Harmodius and Aristogiton, which ended only in the assassination of Hipparchus, at the cost of their own lives, is introduced as an episode by Thucydides, on the occasion of the alarm caused by the mutilation of the Mercuries, in 415 B.C. 'The people (he says) knowing by tradition that the despotism of Pisistratus and his sons had been severe at its conclusion, and moreover that it had been overthrown, not by themselves and Harmodius, but by the Lacedæmonians, were in a state of constant fear, and viewed everything with suspicion.'(53) This narrative is principally introduced for the purpose of correcting a popular error which had gained prevalence among the Athenians; namely, that Hipparchus, and not Hippias, was the eldest son of Pisistratus, and that he was despot at the time when he was slain by Harmodius and Aristogiton. Thucydides affirms that he knew the truth on this matter from accurate information.(54) The celebrated attempt of Harmodius and Aristogiton preceded his own birth by forty-three years, and therefore it was barely within the memory of the preceding generation. Hermippus, a biographical writer, who flourished about 205 B.C., stated that Thucydides was connected with the family of Pisistratus;(55) if this statement was true, he may

(53) vi. 53.

(54) *ὅτι δὲ πρεσβύτατος ὢν Ἱππίας ἦρξεν, εἰδὼς μὲν καὶ ἀκοῇ ἀκριβέστερον ἄλλων ἰσχυρίζομαι*, vi. 55. He here expressly asserts that his information was oral. This testimony of Thucydides respecting the seniority of Hippias is rejected upon insufficient grounds by Meursius, Pisistratus, c. 11. Concerning the passage of Heraclides, which appears to agree with Thucydides, see Fragm. Hist. Gr. vol. ii. p. 208.

(55) Fragm. Hist. Gr. vol. iii. p. 48. Marcellinus, in the extant life,

have been assisted in his researches by family traditions. The interval of time was not sufficient to prevent his ascertaining the truth, and his account is confirmed by Herodotus, who designates Hippias as the despot, at the time his brother was slain, and says that he continued to hold the supreme power for four years after that event.(56)

The celebrity of the assassination of Hipparchus gave rise (as Thucydides remarks) to the belief that he, and not his brother, was the despot at the time of the event.(57) The popular scolion of the Athenians even represented the government of the Pisistratidæ to have been overthrown, and the democracy restored, by Harmodius and Aristogiton.(58) It is remarkable that not only Plato,(59) but Aristotle, the persistent enemy of popular errors, adopts this view;(60) whence it would seem to follow, that they

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says that Thucydides was the son of Olorus, who was named from a king of Thrace, and Hegesipyle, and that he was a descendant of Miltiades. No connexion with the Pisistratidæ is indicated. Suidas, in v., states that Thucydides was descended from Miltiades on the father's side, and from Olorus, king of the Thracians, on the mother's.

(56) Herod. v. 55, 62. Hippias is called the successor of Pisistratus, in Athen. xiii. p. 609 D.

(57) *Ἱππάρχῳ δὲ ξυνέβη τοῦ πάθους τῇ δυστυχίᾳ ὀνομασθέντα καὶ τὴν δόξαν τῆς τυραννίδος ἐς τὰ ἔπειτα προσλαβεῖν*, vi. 55.

(58) Ap. Athen. xv. p. 695 A. See Schneidewin, Delec. Poes. Gr. p. 456. This song (which is older than Aristophanes, Lysist. 632), distinctly says that Hipparchus was a despot, and that Athens was restored to freedom. The epigram of Simonides, fragm. 187, ed. Schneidewin, cannot be understood as meaning that the Pisistratidæ were expelled by the act of Harmodius and Aristogiton. Simonides was not only a contemporary, but he was patronized by Hipparchus, and was his associate. See Plat. Hipparch. § 4, cited by Ælian, V. H. viii. 2. He must therefore have known the truth. Schneidewin supposes that this epigram was inscribed under statues erected in honour of the tyrannicides; which is not improbable.

(59) *ἔργῳ δὲ τοῦτο ἔμαθον καὶ οἱ ἐνθάδε τύραννοι· ὁ γὰρ Ἀριστογείτονος ἔρως καὶ ἡ Ἁρμοδίου φιλία βέβαιος γενομένη κατέλυσεν αὐτῶν τὴν ἀρχήν*, Sympos. § 9.

(60) *μάλιστα δὲ συμβαίνει τοῖς θυμοῖς ἀκολουθεῖν διὰ τὴν ὕβριν, δι' ἣν αἰτίαν ἥ τε τῶν Πεισιστρατιδῶν κατελύθη τυραννὶς καὶ πολλαὶ τῶν ἄλλων*, Pol. v. 10. Above, in the same chapter, he describes the motives of Harmodius and Aristogiton consistently with the account in Thucydides. Callisthenes, being asked by Philotas, whom the Athenians honoured most, answered, Harmodius and Aristogiton, *ὅτι τὸν ἕτερον τοῖν τυράννοιν ἔκτειναν, καὶ τυραννίδα ὅτι κατέλυσαν*, Arrian, Anab. iv. 10. Callisthenes was a kinsman and disciple of Aristotle.

were both unacquainted with the history of Thucydides.(61) The error which Thucydides attributes to the Athenians of his day does not go to this extent. He describes them as merely supposing that Hipparchus was the eldest son and successor of Pisistratus, and that, after the act of the tyrannicides, he was succeeded by Hippias. The author of the Platonic Dialogue of Hipparchus (which was at least a production of the Socratic school), says that Hipparchus was the eldest son of Pisistratus, that Hippias ruled after his death for three years, and that the despotism was during this latter time harsh and oppressive, whereas it had previously been distinguished by its mildness.(62) The belief that the despotism of the Pisistratidæ fell with Hipparchus implies not only an anachronism of four years, but also an ignorance of the series of transactions connected with the expulsion of Hippias by the Lacedæmonians, and the subsequent congress at Sparta, when the Lacedæmonians had repented of their act, and wished to bring about his restoration.(63) The error, however, of supposing that Hipparchus was the eldest son of Pisistratus, and that the rule of Hippias did not begin until his death (which is all that Thucydides seems to attribute to the Athenians),(64) is not very serious, when we consider that their knowledge of the events was not derived from books; and moreover, when we bear in mind that neither Pisistratus nor his sons assumed any official title or

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(61) Aristotle mentions Herodotus in the Rhetoric and Poetic, and rectifies one of his physiological errors, in Hist. An. iii. 22; Gen. An. ii. 2. (Ἡρόδωρος ὁ μυθολόγος is restored for Ἡρόδοτος ὁ μυθολόγος, in Gen. An. iii. 5, by C. Müller, Fragm. Hist. Gr. vol. ii. p. 32); but he never alludes to Thucydides.

(62) Hipparch. § 4. Socrates says: πάντων δν τῶν παλαιῶν ἤκουσας ὅτι ταῦτα μόνον τὰ ἔτη τυραννὶς ἐγένετο ἐν Ἀθήναις, τὸν δ' ἄλλον χρόνον ἐγγύς τι ἔξων Ἀθηναῖοι ὥσπερ ἐπὶ Κρόνου βασιλεύοντος.

(63) See Herod. v. 91-3; Thuc. i. 18, vi. 59. In the Lysistrata of Aristophanes (acted 411 B.C.), the Lacedæmonians boast that they liberated the Athenians from the yoke of Hippias; v. 1150—6.

(64) See i. 20, vi. 54. In vi. 53, he distinctly says that the Athenian people were aware that the despotism of the Pisistratidæ was overthrown by the Lacedæmonians and not by Harmodius. Thucydides does not state what Dio Chrysostom attributes to him, that the Athenians gave the highest honours to Harmodius and Aristogiton, for having *liberated the city* and killed the despot; Orat. xi. § 146, ed. Emper.

insignia, and that Hipparchus probably exercised a considerable power, notwithstanding his brother's seniority.(65)

An authentic reminiscence of the deed of Harmodius and Aristogiton was preserved in their statues which were erected in the Agora at Athens, after the expulsion of Hippias. These statues were carried off to Susa by Xerxes, thirty years afterwards, and were ultimately recovered and restored to the Athenians by Alexander the Great.(66)

The burning of the temple of Delphi, in 548 B.C., is an event which undoubtedly rests on good testimony. It appears to have been the result of accident, though it was also attributed to the Pisistratidæ; the Delphians collected funds for rebuilding the temple from all Greece, and Amasis, king of Egypt, even gave a contribution; but the Alcmæonidæ furnished important assistance by the sumptuous manner in which they executed the contract for its reconstruction.(67)

§ 8 If we cast our eyes over the corresponding period of Lacedæmonian history, we find that Anaxandrides and Ariston are the joint kings about 560 B.C., and that a war with Tegea is said to be brought in their time to a successful termination, owing to the transportation of the bones of Orestes to Sparta, in fulfilment of an oracle, of which a strange story is told by Herodotus.(68) This war had been begun in the time of the

(65) Thuc. vi. 54, states that they did not disturb the existing laws, but they took care that one of their family held one of the principal offices. Herod. v. 62-3, speaks of the Pisistratidæ as a body, after the death of Hipparchus. The Schol. Aristoph. Vesp. 502, says: *κοινῶς δὲ πάντες οἱ Πεισιστρατίδαι τύραννοι ἐλέγοντο.* Diod. x. 39, says that Thessalus, the son of Pisistratus, declined all share in the despotism, and lived on terms of equality with the citizens: *οἱ δὲ ἄλλοι, Ἵππαρχος καὶ Ἱππίας, βίαιοι καὶ χαλεποὶ καθεστῶτες ἐτυράννουν τῆς πόλεως.* Herod. vii. 6, describes Hipparchus as expelling Onomacritus from Athens, for forging a prophecy of Musæus, as if he did it by his own authority. The story of Harmodius and Aristogiton is transferred to Phalaris, in Sicily, and its circumstances are completely altered, in Hygin. Fab. 257.

(66) See above, p. 319.

(67) Paus. x. 5, § 13; Herod. i. 50, ii. 180, v. 62; Philochor. fragm. 70, ed. Müller. Compare Grote, vol. iv. p. 160.

(68) i. 67-8. When Cimon took the island of Scyros, he removed the bones of Theseus to Athens, in obedience to the Delphic oracle; Plut. Thes. 36; Cimon, 8; Paus. iii. 3, § 7. This war, according to Mr. Clinton, had been concluded in 554 B.C.

previous kings, Leon and Hegesicles; the Lacedæmonians, misled by an ambiguous oracle, marched against the Tegeates with chains destined for their prisoners. They were however defeated, and it became their lot to work as slaves on the plain of Tegea in the chains which they had themselves brought. Herodotus believed that he saw these identical chains, hung round a temple of Minerva at Tegea.(69)

The celebrated combat of the Lacedæmonian and Argive champions, three hundred on each side, for the possession of the territory of Thyrea, is the next remarkable event in Spartan history. According to Herodotus, they fought until only Alcenor and Chromius remained alive on the Argive side, and only Othryades on the Lacedæmonian. Instead, however, of the combat being concluded by a final contest between the surviving champions (as in the Roman battle of the Horatii and Curiatii, where the remaining Roman kills the two remaining Albans), the two Argives leave the field, as if they had conquered; while Othryades remains upon it, and strips the dead bodies of the enemy. The combat of the three hundred therefore decides nothing; but by a subsequent battle with the Argives the Lacedæmonians acquire the territory.

Othryades is related to have killed himself out of shame at being the sole survivor;(70) but if he had slain all the Argives who were opposed to him, without the loss of his own life, and if he alone remained to claim the victory, it seems as if he, like the surviving Horatius, ought to have returned in triumph to

(69) *αἱ δὲ πέδαι αὗται, ἐν τῇσι ἐδεδέατο, ἔτι καὶ ἐς ἐμὲ ἔσαν σῶαι ἐν Τεγέῃ, περὶ τὸν νηὸν τῆς Ἀλέης Ἀθηναίης κρεμάμεναι*, Herod. i. 66. This temple is mentioned by Paus. viii. 9, § 6. Some chains, which had been used for confining Chalcidean prisoners, were suspended by the Athenians in the acropolis, about 506 B.C., and are described by Herodotus, v. 77.

(70) Herod. i. 82. A similar account is given by Paus. ii. 38, § 5. The epigram on this combat in Anth. Pol. vii. 431, appears to be not by Simonides, but of later date; see Simonid. fragm. ed. Schneidewin, p 223; and compare ib. vii. 244, 430, 432, 720. Strabo, viii. 6, § 17, speaks of Othryades as the commander of the Spartan band. The statement of Herodotus that both sides claimed the victory is confirmed by Thucyd. v. 41: *ὥσπερ καὶ πρότερόν ποτε, ὅτε αὐτοὶ ἑκάτεροι ἠξίωσαν νικᾶν*. Isocrat. Archid. § 115, speaks of the 300 Spartans at Thyreæ gaining the victory over the Argives.

Sparta.(71) The version of the story related by Herodotus seems not to have been admitted by the Argives; for Pausanias saw at Argos a statue of Perilaus, the son of Alcenor, killing Othryades the Spartan.(72) Sosibius the Laconian, an Alexandrine grammarian, who lived in the time of Ptolemy Philadelphus, stated, in his work on Lacedæmonian Sacrifices, that the leaders of the choruses in the Gymnopædia wore certain chaplets in memory of the victory at Thyrea.(73) According to Herodotus, the Lacedæmonian custom of wearing long hair had its origin in the acquisition of Thyrea; whereas the loss of it caused the Argive men not only to shave their heads, but also caused the Argive women to abandon the use of gold ornaments.(74)

The combat of the three hundred champions for Thyrea is placed by Herodotus a short time before the capture of Sardis by Cyrus, which event took place in 546 B.C. This date may probably be relied on, notwithstanding some divergent statements of later writers;(75) and hence the national recognition of this remarkable battle, by both Argos and Sparta, in the Peloponnesian war, must be considered as removing all reasonable doubt as to its historical character.

We are informed by Thucydides that, on the occasion of a treaty concluded between Sparta and Argos, in 420 B.C., the Argives proposed a stipulation that, when both countries were free from pestilence and war, either might challenge the other to a combat, similar to the former one, for the possession of the

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(71) Livy says: Romani ovantes ac gratulantes Horatium accipiunt; eo majore cum gaudio, quo prope metum res fuerat; i. 25. Compare the epigram of Nicander, Anth. Pal. vii. 526.

(72) ii. 20, § 7.

(73) These chaplets were called Θυρεατικοί, Athen. xv. p. 678 B. See Fragm. Hist. Gr. vol. ii. p. 626.

(74) Ib. Compare the account in Herod. vii. 208, of the Spartans combing their hair before the battle of Thermopylæ. The Roman matrons abstained from wearing their golden ornaments, when they were in mourning; Livy, xxxiv. 7; Dion. Hal. v. 48.

(75) Paus. iii. 7, § 5, refers this battle to the reign of Theopompus, in the eighth century B.C. Eusebius says that the Gymnopædia were instituted in the early part of the seventh century, in memory of it.

debatable land of Thyrea. The historian states that the Lacedæmonians considered this proposal an absurdity, but that they accepted it, because they were desirous at that moment of being on friendly terms with Argos.(76) The agreement led to no practical result. If this combat had been referred to the mythical ages, its public recognition by the two states concerned would not have proved its reality more than the belief of Pyrrhus that he, as an Æacid, ought to make war against the Romans the descendants of the Trojans,(77) proved that Achilles was the author of his lineage, and that Æneas settled in Latium; or than the privileges conferred by the Romans upon the Acarnanians for not having taken part in the Trojan war,(78) proved that the Trojan war and the Trojan origin of Rome were historical. But inasmuch as its date only preceded the treaty in question by about one hundred and twenty-seven years, we may fairly assume that a correct outline of the event had been preserved during that time. The reminiscences of the Athenians in 415 B.C., with respect to the oppressive government of Pisistratus and his sons, described by Thucydides, went back for more than a century; and the interval between the reference of the Spartans to the hereditary curse of the Alcmæonidæ in 432 B.C., and the murder of Cylon, was not less than one hundred and ninety years.(79)

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(76) Thuc. v. 41. Compare the remarks of Mr. Grote upon this transaction, vol. ii. p. 594; vol. vii. p. 38.

(77) Above, vol. i. p. 341. (78) Above, vol. i. p. 314.

(79) Above, vol. i. p. 100. Colonel Mure, Hist. of Lit. of Gr. vol. iv. p. 328, 338, considers the details of this battle as fabulous. He conceives it impossible that 597 out of 600 could have been killed on the ground. He adds however that 'there seems no reason to doubt the primary fact, that in a war between the Spartans and the Argives in support of their respective claims to the disputed frontier district of Thyrea, a drawn battle was fought between nearly equal armies of the two republics.' It may be observed that this reduced version of the story is inconsistent with the belief recorded by Thucydides. Niebuhr has the following remarks on this combat: 'We find, in the account of Othryades, the mere tradition without historical credibility. . . . Othryades, who remains on the field of battle and erects trophies, is as little historical as Horatius, the conqueror of Alba. I will not on that account deny his personal existence, but the account of him lies beyond the domain of history;' ib. p. 268. Niebuhr thinks that the number of three hundred on each side is merely

The reign of Cleomenes the First, the successor of Anaxandrides, which lasted from about 519 to 491 B.C., is on the whole a historical period, though some of the events in it appear to have been modified by oral tradition. Demaratus, who succeeded Ariston, was king in 510 B.C., at the expulsion of the Pisistratidæ, and was deposed through the influence of Cleomenes. He withdrew to the court of Persia, and accompanied Xerxes to Greece: in the lifetime of Xenophon, his descendants still remained in possession of towns granted to him by Xerxes.(80) His deposition was effected, in 491 B.C., on the ground of his illegitimacy, and his illegitimacy was proved by the evidence of persons who had sat as ephors with his supposed father king Ariston, at the time of his birth, and had heard Ariston say that the child born could not be his son.(81) Assuming this testimony to be correctly reported, it relates to an event which must have taken place about 530 B.C.(82)

The account given by Herodotus of the invasion of Argolis by Cleomenes, about 496 B.C., and the burning of the grove of the hiero Argus, together with his subsequent defence against the charge of corruption, has much in it which seems strange and improbable. The substance of it may however be considered as historical, and it is free from a story of a defence of the town by the Argive women, and the slaves, under the command of the poetess Telesilla, which a later generation seems to have engrafted upon an obscure oracle cited by Herodotus. The same story likewise served as an explanation of an Argive festival, in which the men were dressed in female, and the women in male attire. It was further added, that the battle with Cleomenes was fought on the 7th of the month, and that

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symbolical of the three Doric tribes: in like manner, he considers the three Horatii and Curiatii typical of the three tribes at Rome and Alba; above, vol. i. p. 455, n. 149.

(80) Xen. Hell. iii. § 6; Anab. vii. 8, § 17.

(81) Herod. vi. 65.

(82) Demaratus was grown up at his accession, and he was still living in 465 B.C. (Clinton, F. H. vol. ii. p. 208); if he was born in 530 B.C., and lived seventy years, he would have died in 460 B.C.

the number of Argives who fell in it was 7777.(83) These fabulous accretions upon an event which occurred about twelve years before the birth of Herodotus are worthy of notice, and show how easily the early history of the Roman republic may have been intermixed with fictitious legends.

Cleomenes, who destroyed himself in a state of insanity, was succeeded by his younger brother, Leonidas, who died at Thermopylæ, at the head of the three hundred Spartans. The death of Leonidas is, according to Mr. Clinton, the first date in the series of the Spartan kings, which is established with precision upon good evidence.(84)

§ 9 The dominion of Polycrates at Samos, and the subsequent calamities of that island, which are related in great detail by Herodotus, belong to the period which we are examining, and they present the same character, of a historical substratum, with legendary embellishments. Polycrates appears to have obtained the supreme power with his two brothers about 532 B.C., and to have held it until 522 B.C., when he was put to death by the satrap Orœtes.(85) His great prosperity gave rise to the story of the correspondence with Amasis and of the ring: 'A well-known story (says Mr. Grote), interesting as evidence of

(83) Paus. ii. 20, § 8; Socrates Argivus, ap. Fragm. Hist. Gr. vol. iv. p. 496; Polyæn. viii. 33. Compare Müller, Dor. i. 8, § 6; Grote, vol. iv. p. 432. The story about the Argive women was doubtless in part suggested by the statement of Herodotus, that Argos was so denuded of men, that the government fell into the hands of the slaves; vi. 83. Mr. Grote, ib. p. 435, remarks that there seems no reason for mistrusting the account of the defence of Cleomenes. Concerning the symmetrical number, compare above, vol. i. p. 367, n. 46.

(84) 'In Leonidas we arrive at an exact chronology, which we have gradually approached in the two preceding reigns. We can determine the beginning of the reign of Anaxandrides, within a very few years, by the incidents of the Tegean war, and the reign of Crœsus; we can fix the death of Cleomenes perhaps within a year; but the actual period of the death of Leonidas is determined with precision; and this is, properly speaking, the first epoch in this series of reigns, the date of which is established upon good evidence;' Fast. Hell. vol. ii. p. 209.

(85) Herod. iii. 120, says that the death of Polycrates occurred at the time of the madness of Cambyses. In writing to Polycrates, Orœtes says that he is threatened with death by Cambyses; ib. 122. The death of Orœtes himself, however, which followed soon after the death of Polycrates, took place during the reign of Darius; ib. c. 126—8. Thucydides says that Polycrates was contemporary with Cambyses; i. 13.

ancient belief, and not less to be noted as showing the power of that belief to beget fictitious details out of real characters.'(86)

Herodotus informs us, that when Cambyses was collecting troops for his expedition into Egypt, Polycrates filled forty triremes with those citizens whom he considered most hostile to himself, and sent them to Cambyses, with an injunction to him not to allow them to return. He then proceeds to say, that the subsequent adventures of these Samians were related in three different ways. First, it was said that they never reached Egypt, but that when they arrived at the island of Carpathus,(87) they agreed to go no further: secondly, it was said that they arrived in Egypt, and finding that they were kept under guard they contrived to escape, and returned to Samos, whence, after a defeat in a battle with Polycrates, they sailed to Lacedæmon: thirdly, it was said that when they returned from Egypt, they defeated Polycrates, and were not defeated by him. The latter version is rejected by Herodotus, on grounds of internal probability.(88) This account resembles some of the cases of discrepancy of evidence which occur in the later books of the first decad of Livy; where the event is substantially historical, but it is represented with wide variances, and without any clue as to the comparative value of the testimonies by which the several versions are supported.

The Lacedæmonians and Corinthians, at the instigation of the Samian exiles, afterwards besieged Samos; but their attack was ineffectual, and after forty days, they returned to Peloponnesus. On one occasion the Lacedæmonians gained the advantage in an encounter with the Samians, and repulsed them into the town. 'Now, if (says Herodotus) the other Lacedæmonians who had a part in that conflict, had been equal to Archias and Lycopas, Samos would have been taken. These two Spartans alone followed the Samians into the town, where

(86) Vol. iv. p. 323.

(87) Carpathus is the last of the Greek islands, in the direct course from Samos to Egypt.

(88) iii. 44-5.

they were surrounded and slain. I myself (he adds) once conversed with another Archias, the grandson of this Archias, at Pitana, near Sparta, of which place he was an inhabitant. His father was named Samius, from the exploit of his grandfather at Samos; and he was peculiarly hospitable to Samian visitors, because, as he said, his grandfather had received a public funeral from the Samians.'(89) This is an example of a detailed account of a historical event being handed down in a family through two generations, and being communicated to Herodotus. We may reasonably suppose that much authentic information was obtained by him from the period of the grandfathers, as well as of the fathers, of the existing generation, upon other events besides the siege of Samos. Herodotus further states that, according to one story, Polycrates bribed the Lacedæmonians to depart by giving them money, which appeared to be gold, but was in reality only gilded lead—this however he considers as an idle tale.(90)

The generous offer of Mæandrius after the death of Polycrates, which met with so unwise a reception from some of the leading citizens:(91) the singular accident by which Syloson became the benefactor of Darius;(92) the subsequent desolation of the island by the Persians,(93) and the establishment of the dominion of Syloson by their aid, may be considered as well-authenticated history.(94) It should be observed, that Herodotus

(89) iii. 55. It is not obvious why the Samians should have given Archias a public funeral. The Samian exiles cannot be meant. Compare Plut. de Herod. Malign. 22.

(90) Ib. c. 56.

(91) Concerning the difficulty of resigning despotic power, see Bayle, Dict. art. Periander, note F.

(92) ἡ Συλοσῶντος χλαμὺς became proverbial; Diogenian. v. 14; Apostol. xviii. 27.

(93) ἔκητι Συλοσῶντος εὐρυχωρίη, was a proverbial iambic senarius, in the Ionic dialect, which alluded to this calamity; Strab. xiv. 1, § 17; Heraclid. Pont. Pol. c. 10, § 6; Zenob. iii. 90. These writers agree in attributing the depopulation to the oppressive government of Syloson himself.

(94) Herod. iii. 139—149. Mæandrius, after his expulsion from Samos, applied to Cleomenes at Sparta for assistance, when he was king—probably about 519 B.C.

resided for a time during the early part of his life at Samos,(95) and that he had an opportunity of collecting on the spot the traditions of its recent events.

§ 10 An account of an interesting chapter in the history of Cumæ in Italy, which belongs to the latter part of the sixth century B.C., has been already referred to, in connexion with some events in Roman history;(96) but though it is doubtless founded on fact, the narratives which have descended to us have not the same character of authenticity which belongs to the narratives of Herodotus for the same period. According to Dionysius, Cumæ was attacked, in the year 524 B.C., by the Etruscans, Umbrians, Daunians, and other Italian nations, with an army consisting of 500,000 foot and 18,000 horse.(97) The Cumans, with a force of only 4500 foot and 600 horse, repulsed and defeated this great host. In this defence, Aristodemus, the son of Aristocrates, (who either from his effeminacy or from the mildness of his disposition, was surnamed Malacus,) greatly distinguished himself; he even slew the general of the enemy with his own hand.(98) The constitution of Cumæ was aristocratic, and when the prize of valour was to be awarded, the nobles favoured Hippomenes, the rival candidate. Aristodemus was however supported by the people, and the dominant party were compelled to assign equal prizes to both competitors. Hence Aristodemus became a popular leader, and hateful to the nobles. Twenty years after these events, Aricine ambassadors came to Cumæ to ask for assistance against the Etruscans under Aruns Porsena, the son of the king of Clusium. The aristocratic Senate promise succour; they fill ten rotten ships with their political enemies, and appoint Aristodemus the commander of the expedition; intending (like Polycrates in sending

(95) Suidas in Ἡρόδοτος. (96) Above, p. 20, 44.

(97) In Dion. Hal. vii. 3, in the words Τυρρηνῶν δὲ οἱ περὶ τὸν Ἰόνιον κόλπον κατοικοῦντες, where the Vat. MS. reads Τυρρηνῶν οἱ δὲ, the sense requires Τυρρηνῶν οἱ περὶ, without the particle δέ.

(98) This, according to the account of Dionysius himself in v. 36, ought to be Aruns Porsena.

succours to Amasis) that the ships should founder at sea, or that the men should be cut to pieces by the Etruscans. Aristodemus however lands his troops safely at Aricia; a battle soon takes place, in which the Aricines fly, but Aristodemus with his Cumans recovers the day; he kills the Etruscan general with his own hand, and gains a great victory. Having ingratiated himself with his army by a distribution of plunder, he offers, on his return to Cumæ, to make a report of his proceedings to the Senate. On the appointed day, he introduces conspirators with swords concealed under their clothes into the assembly, who murder the senators. On the following day, he addresses the people; and by promising them a division of the lands of the rich, and a remission of debts, he induces them to appoint him perpetual dictator. At the same time, he forms a bodyguard, 2000 in number, of the poorest citizens, slaves, and foreigners; he also persuades the people to deposit their arms in the temples, where he immediately seizes them. In order to consolidate his power, he puts many of the chief citizens to death; encourages the slaves to kill their masters; and sends the sons of freemen to live in the country without any liberal education. He abolishes all manly training for the youths who remained in the town, and orders them to be brought up with the dress and habits of women, and to frequent only the teachers of dancing and music.

When his despotism had lasted for many years, and he had become an old man, he was overthrown by a conspiracy of the sons of the citizens whom he had murdered. By a stratagem, similar to that of Zopyrus at Babylon and Sextus Tarquin at Gabii, they entice his army out of the town: they then issue at night from their ambush near Avernum, penetrate unseen to the palace of Aristodemus, and put him, his family and adherents to death, after having previously subjected them to torture. In the morning, they assemble the people, lay down their arms, and re-establish the old constitution.(99)

(99) Dion. Hal. vii. 2—11. He places the victory of the Cumans under Aristodemus at Aricia in the consulship of Larcius and Herminius, v. 36;

Such is the account of Dionysius, which in its general outline is not improbable, as the story of the rise and fall of a Greek despot. A narrative of the same events, given by Plutarch, differs from it however in many material circumstances. According to Plutarch, Aristodemus is sent to assist the Romans, not the Aricines, against the Etruscans, and the campaign, instead of being terminated in a single battle, is of considerable length. The overthrow of Aristodemus is attributed to the heroism of two women; of whom there is not the smallest trace in the narrative of Dionysius. One of these, whose name is not given, reproaches the men with their pusillanimity: the other, named Xenocrite, who is compelled to become his wife, admits the conspirators into his palace. It is added that Xenocrite declines all honours and rewards, and only asks for permission to bury the body of Aristodemus: the permission was granted, and she was also appointed the priestess of Ceres.(100)

The discrepancy between these two accounts is such as to show that the details have been derived from uncertain oral traditions. We know nothing of the time when they were first embodied in writing, but it cannot be supposed that they were collected when the memory of Aristodemus and his oppressions was recent. The story of his compelling the young men to wear female dress, and to follow female pursuits (in which both Dionysius and Plutarch agree) is evidently not less fabulous than a similar story told by Herodotus, of the measure adopted by Cyrus for breaking the spirit of the Lydians.(101) His

that is, in 506 B.C.; which however, in vii. 5, he reckons as only twenty years after Olymp. 64=524 B.C. The Roman embassy to Sicily is referred to the consulship of Geganius and Minucius, in the fourteenth year of Aristodemus, vii. 12; *i. e.* in 492 B.C., which agrees with the latter date. The death of Aristodemus may be placed conjecturally about 485 B.C: The account of Dionysius is abbreviated by Suidas in 'Αριστόδημος.

(100) De Mul. Virt. art. Xenocrité. In order to make the story intelligible, it is necessary in p. 262 B. to supply with Wyttenbach some such words as the following: [Ἐν τούτοις δὲ καὶ γυνή τις], ὡς εἶδεν ἐπιόντα. A short account of the usurpation of Aristodemus is given in Diod. vii. 9, where however he is only called Malacus.

(101) See Herod. i. 155-6; Polyæn. vii. 5, § 4; Justin. i. 7. A similar measure with respect to the Egyptians is attributed to Sesostris by Nymphodorus of Syracuse, in a work of νόμιμα βαρβαρικά, Fragm. Hist. Gr. vol. ii. p. 380.

slaughter of the general of the hostile army with his own hand in two different battles, is likewise incredible. The opima spolia occur only thrice in the entire Roman history.

§ 11 The reigns of Cyrus, king of Persia, Crœsus, king of Lydia, and Amasis, king of Egypt, as well as the rule of Pisistratus, fall within the period which we are now examining.(102) They are nearly coincident in time, and the principal events of them, so far as they came under the personal knowledge of the Greeks, may be considered as having descended, in an unfalsified state, to the age of Herodotus. During this period, the Greek cities of Asia Minor, having previously been independent, were subjugated by the kings of Lydia and Persia; a change which was likely to leave a deep impression on the memory of the next generations. The kings of Lydia, beginning with Gyges, about 700 B.C., made war upon Miletus and other of the Ionic cities, but the last king, Crœsus, completed the conquest of the Asiatic Greeks. After the capture of Sardis, and the dethronement of Crœsus by Cyrus in 546 B.C., the Ionians were reduced by the officers of Cyrus, and became Persian instead of Lydian subjects. The reluctant submission of the Asiatic Greeks, to the Persian dominion, combined with the occasional assistance which they received from their brethren in Europe, gave rise to the Persian invasion of Greece; out of the Persian war sprang the Athenian maritime empire, and protectorate of the insular Greeks, and the Athenian empire gave rise to the Peloponnesian

(102) The reigns of these three princes were as follows:—

Cyrus	559—529 B.C.
Crœsus	560—546 ,,
Amasis	569—526 ,,

The dominion of Pisistratus extended (with certain intervals) from 560 to 527 B.C. Cyrus, Amasis, and Pisistratus died within three years of each other. Crœsus was dethroned by Cyrus in 546 B.C., but he lived into the reign of Cambyses (Herod. iii. 14, 34, 36) and probably died only a few years later than the others, as he was born in 595 B.C. The accounts in Herodotus of presents made by Amasis to Greeks appear to be historical. Thus his present of a thorax to the Spartans, iii. 47; gifts to Cyrene, Lindos, and Samos, ii. 182; a gift of 1000 talents' weight of alum, as a subscription to the rebuilding of the temple of Delphi, ii. 180. Ladice, the Greek wife of Amasis, gave a statue of herself to Cyrene, which Herodotus saw, ib. 181.

war. 'It is thus (Mr. Grote remarks) that most of the splendid phænomena of Grecian history grew, directly or indirectly, out of the reluctant dependence in which the Asiatic Greeks were held by the inland barbaric powers, beginning with Crœsus.'(103)

Two wise counsels are recorded by Herodotus as having been given to the Ionians at this period, which were doubtless preserved in the native traditions. One was given before the ruin of Ionia, the other after its second subjugation by Cyrus. The former was the advice of Thales of Miletus, that they should form a federal council, and act together in self-defence: the other was that of Bias of Priene, that they should migrate in a body to Sardinia, and colonize that island.(104)

No reasonable doubt can exist as to the alliance between Crœsus and the Lacedæmonians in the reigns of Anaxandrides and Aristo, or as to his subsequent demand for assistance when he was engaged in war with Cyrus, or as to their preparation to send troops, when they received the intelligence that Sardis had been taken.(105) His communications with Delphi and other Greek prophetic shrines are likewise to be considered historical, though the oracular responses recited by Herodotus bear for the most part indubitable marks of subsequent fabrication.

§ 12 The life of Cyrus, the founder of the Persian monarchy,(106) was used by Xenophon as the means of embody-

(103) Vol. iii. p. 351.

(104) Herod. i. 170. Thales is stated to have been born in 639 B.C., and his advice must therefore have been given when he was very old, as the reign of Crœsus only began in 560 B.C. The advice of Bias must have been given soon after 546 B.C. The justice of Bias is praised by Hipponax (fragm. 51, Schneidewin), who flourished about 546—539 B.C.; See Clinton, ad ann. Bias composed a poem on the political state of Ionia in 2000 hexameter verses: Ἐποίησε δὲ περὶ Ἰωνίας, τίνα μάλιστα ἂν τρόπον εὐδαιμονοίη, εἰς ἔπη δισχίλια. Diog. Laert. i. 85. Mr. Grote, vol. iv. p. 126, note, thinks that Herodotus may have become acquainted with the counsel of Bias through this poem.

(105) Herod. i. 69, 70, 77, 83.

(106) Æschylus, who was born in the reign of Cambyses, does not recognise Cyrus as founder of the Persian monarchy. He makes Medus the first in the line of Persian kings—a mere personification of the nation, like Hellen or Danaus. After Medus follows his son, whose name is not mentioned. Cyrus is the third in the line of succession; he is described

ing the idea of a perfect ruler, which he had imbibed from the discourses of Socrates. His work—written nearly two centuries after the time of Cyrus—was regarded by the ancients themselves as a political romance, and not as a history :(107) but the plan upon which parts of it are composed, has caused many modern writers to mistake it for a history of real events. There were certain political institutions, certain usages, or local peculiarities which he found existing in the Persian empire in his own day; and to which his attention had doubtless been partly directed during his march into Babylonia with the ten thousand Greeks. These he interwove into his fiction, either by tracing them to imaginary incidents in the life of Cyrus, or by assigning the reasons for them, in the form of motives which had actuated him in their establishment. Thus Larissa and Cyllene near Cyme, still called the cities of the Egyptians, are stated to have been given to the Egyptian troops by Cyrus as a reward for their fidelity at the battle of Thymbrara before Sardis.(108) The armour of the Persian horsemen is said to be still the same as it was organized by Cyrus for the same battle, in which they greatly distinguished themselves.(109) The scythebearing chariots, also devised by him, were very effective in the same battle, and

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not as a founder, but merely as the conqueror of Lydia, Phrygia, and Ionia :—

τρίτος δ' ἀπ' αὐτοῦ Κῦρος, εὐδαίμων ἀνὴρ,
ἄρξας ἔθηκε πᾶσιν εἰρήνην φίλοις·
Λυδῶν δὲ λαὸν καὶ Φρυγῶν ἐκτήσατο,
Ἰωνίαν τε πάσαν ἤλασεν βίᾳ.
θεὸς γὰρ οὐκ ἠχθηρεν, ὡς εὔφρων ἔφυ.

Pers. 768-72.

Although Æschylus does not represent Cyrus as the founder of the monarchy, yet his two predecessors are an eponymous king, and a king without a name. According to Strabo, xi. 13, § 10, Medus, king of the Medes, is the son of Medea, who had been queen of the country. This is a mere etymological fiction. A similar statement occurs in Cephalion, Fragm. Hist. Gr. vol, iii. p. 626. Thucydides states that Cyrus was the first king of the Persians; and also that he defeated Crœsus and reduced the Ionians of the mainland; i. 13, 16.

(107) Cyrus ille a Xenophonte, non ad historiæ fidem scriptus, sed ad effigiem justi imperii; Cic. ad Quint. Frat. i. 1, § 8.

(108) Cyrop. vii. 1, § 45.

(109) Ib. § 46; cf. viii. 5, § 23.

the king of Persia still uses this sort of chariot.(110) The fidelity of the Cilicians and Cyprians to Cyrus, is given as a reason why they were not governed by a satrap, but retained their own kings.(111) Cyrus established a garrison in Babylon, and required the inhabitants to furnish their pay; with the view of impoverishing the city, and thus making it weak and tractable. This institution subsists up to the present day.(112) The institution of eunuchs, as guards of the Persian king's person, is referred to Cyrus, and his reasons for the institution are stated at length.(113) This is certainly an ancient Oriental practice—as we learn from the sculptures on the Nineveh marbles—anterior to Cyrus, and not peculiar to Persia.(114)

A similar remark applies to some of the other customs whose origin is similarly traced to Cyrus. The origin of the custom for the Persian grandees to stand about the doors of the king's palace, in order to pay their court to him, and guard him by their presence, is dramatized by Xenophon, and the reasons for establishing it are assigned. It is stated to be the constant practice of the court.(115) Cyrus established the practice, which still continues, for certain magi to be appointed to preside over the court-worship: the king sings a hymn to the gods at day-break, and sacrifices to the gods whom the magi point out.(116) A great procession of Cyrus is described as actually taking place; and this procession is declared to be the model of the existing processions of the Persian kings; only the victims do not form part of it, when the king does not sacrifice.(117) The

(110) Ib. § 47; vi. 1, § 30. Xenophon had seen these chariots at the battle of Cunaxa; Anab. i. 8, § 10. There were said to be 200 in the army of the king of Persia; ib. i. 7, § 11. Chariots of the same sort were afterwards used at the battle of Arbela.

(111) vii. 4, § 2. (112) vii. 5, § 70.

(113) vii. 5, § 60—65.

(114) Josephus describes Nebuchadnezzar, king of Babylon, as selecting the noblest Jewish youths, defraying the costs of their education, and causing some of them to be made eunuchs; Ant. Jud. x. 10, § 1. The reign of Nebuchadnezzar is placed at 604—561 B.C., and therefore precedes that of Cyrus.

(115) viii. 1, § 6, 7. The custom of the Persian nobles sitting at the king's gate is alluded to by Herod. iii. 120.

(116) viii. 1, § 24. (117) viii. 3, § 34.

subsisting practice for the king and his companions to hunt, in order to harden and exercise the body, is attributed to Cyrus.(118) Certain contrivances to which the Persian rulers resorted, in order to conceal their bodily defects or smallness of stature, and to render themselves objects of greater awe in the eyes of the people, are said to have been devised by Cyrus.(119) The use of the Median dress by the Persians is derived from an act of Cyrus.(120) Certain rules about the precedence of sitting at the king's table, still observed at the Persian court, are traced to Cyrus. His reasons for establishing them are stated in detail.(121) The custom of sending presents of food from the king's table to certain persons, as a mark of honour, is stated to have originated with Cyrus. The rationale of this custom is given at length.(122) The origin of the practice of the Persian kings to make numerous honorary gifts is referred to Cyrus;(123) especially of their practice to make presents to the Persians of both sexes, on entering Persia Proper.(124) The privileges of Persia Proper as compared with the other provinces, and its greater attachment to the king, are represented under the form of a compact between Cyrus and the Persians, suggested by Cambyses his supposed father, and confirmed by common sacrifices.(125) The institution of satraps, and other peculiarities of provincial government in the Persian empire, are traced to Cyrus; all of which are declared to be still in existence. The maintenance of garrisons in the fortresses, with commanders independent of the satraps; an itinerant inspector, with an army, to curb the powerful, and assist the weak satraps; and an establishment of

(118) viii. 1, § 36.
(119) viii. 1, § 40-2; cf. viii. 8, § 8.
(120) viii. 3, § 1; cf. viii. 1, § 40. Strabo says that the Persians derived their dress, their attention to archery and horsemanship, the state of the king, and the court ceremonial, from the Medes, without any mention of Cyrus; xi. 13, § 9. On the other hand, Arrian, following the example of Xenophon, traces the practice of prostration before the oriental kings to Cyrus; Anab. iv. 11.
(121) viii. 4, § 5.
(122) viii. 2, § 4. Timagoras, the Athenian, is stated to have received some presents from the king's table; Athen. ii. p. 48 E.
(123) viii. 2, § 8. (124) viii. 5, § 21. (125) viii. 5, § 27.

mounted couriers to communicate with the provinces, are particularly specified.(126)

As Cyrus was the founder of the Persian monarchy, it is by no means unlikely that some of the institutions and customs described in the Cyropædia may have really originated with him. Many of them however (like the use of eunuchs about the court, and the provincial government by satraps), were probably Oriental usages, not peculiar to the Persian kingdom; and it is certain that the testimony of Xenophon does not authorize us in deriving any of them from Cyrus. These explanations, in order to be correctly understood, must all be read backwards. The subsisting custom is the starting-point, and the origin is an illustrative story, invented by Xenophon himself. The account given by Herodotus of the means by which Deioces made himself king of the Medes, and founded the city of Ecbatana, is likewise a political romance, framed, like the Cyropædia, without reference to historical truth.(127)

§ 13 We now mount a higher platform in the ascent of Greek history, and arrive at the period immediately preceding the age of Pisistratus and Cyrus. The distance from the contemporary historians now becomes greater; the traditions are accordingly less distinct and certain, and contain a larger admixture of fable. We have no such accounts as Thucydides was able to collect respecting the last years of Hippias; or as Herodotus obtained respecting the subjugation of Ionia by Crœsus and Cyrus, or its revolt against Darius.

Solon was born about 638 B.C. His legislation is placed at 594 B.C., just a century before the birth of Hellanicus, and he died a few years after the usurpation of Pisistratus, which commenced in 560 B.C.(128) The laws of Solon were originally in-

(126) viii. 6, § 9, 14, 16, 17.

(127) Herod. i. 96—100. Compare the remarks of Mr. Grote, vol. iii. p. 307-9.

(128) Niebuhr remarks, that 'before the time of Solon, a deep darkness hangs over the constitution of Athens; nay, over the time of Solon himself, although he is a real historical personage, and not by any means mythical;' ib. p. 282.

scribed on wooden rollers, some fragments of which were still extant in the time of Plutarch;(129) his laws were preserved to a late date, and are cited by Plutarch in his Life. Solon likewise composed many short poems, in elegiac and iambic verse, in which he described his own position and feelings, with respect to his public measures. They were all accessible to the ancient writers, and served, together with his laws, as a solid and authentic foundation for the accounts of his political acts. It is, however, difficult for us to judge how these supplementary accounts were obtained, for Herodotus only mentions the legislation of Solon as having been undertaken in obedience to the wish of the Athenians, who had bound themselves by solemn oaths not to alter his laws for ten years without his consent;(130) and Thucydides never speaks of Solon or his legislation. No writers earlier than Heraclides Ponticus, Theophrastus, Hermippus, Androtion, and Demetrius Phalereus, are cited by Plutarch, in his Life;(131) and in their time, no trustworthy oral accounts of the early part of the sixth century B.C., could have been extant. The laws and poems doubtless served as points of attachment for certain authentic traditions, and helped to float them safely down the stream of time; but we know, from many examples, that Solon, like Romulus, sustained the part of a mythical founder, and that many institutions were called after his name, which in fact originated with other and later authors. Mr. Grote remarks, that the Attic orators sometimes confound Solonian and post-Solonian Athens. 'Demosthenes and Æschines (he says) employ the name of Solon in a very loose manner, and treat him as the author of institutions belonging evidently to a

(129) Sol. 25. Concerning the manner in which Solon's laws were preserved in writing, see Mure, Hist. of Gr. Lit. vol. iii. p. 416.

(130) Herod. i. 29.

(131) See Heeren de Font. Vit. Plut. p. 26—30. Aristotle, in his Politics, ii. 12, couples Lycurgus and Solon as the authors of a constitution as well as of a code of civil laws. He proceeds to make some detailed remarks on the political changes introduced by Solon, with which he assumes his readers to be familiar. Heraclides Ponticus ascribes the Seisachtheia, or general remission of debts, to Solon, Pol. i. § 5, which Androtion denied; see above, p. 86, n. 266.

later age; for example, the striking and characteristic oath of the Heliastic jurors, which Demosthenes ascribes to Solon, proclaims itself in many ways as belonging to the age after Cleisthenes, especially by the mention of the Senate of five hundred, and not of four hundred. Among the citizens who served as jurors or dicasts, Solon was venerated generally as the author of the Athenian laws; and the orator therefore might well employ his name for the purpose of emphasis, without provoking any critical inquiry whether the particular institution which he happened to be then impressing upon his audience, belonged really to Solon himself, or to the subsequent periods.(132)

Solon, not only as a lawgiver, was decorated with institutions which belonged to others, but, as a sage and a moralist, was made the subject of dramatic apologues, in which an ethical lesson was conveyed. The celebrated colloquy with Crœsus, narrated by Herodotus,(133) beautiful as a fiction, cannot, for chronological reasons, hold its ground as history: Crœsus belongs to the generation next after Solon.(134) Solon appears, from extant

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(132) Vol. iii. p. 162-4. (133) i. 30-3, cf. c. 86.

(134) Plutarch states that some of the ancients had rejected Solon's visit to Crœsus on chronological grounds: *τὴν δὲ πρὸς Κροῖσον ἔντευξιν αὐτοῦ δοκοῦσιν ἔνιοι τοῖς χρόνοις ὡς πεπλασμένην ἐλέγχειν*, Sol. 27. See Grote, vol. iii. p. 51, 199; Niebuhr, Lect. on Anc. Hist. vol. i. p. 283. Col. Mure treats the story of the visit of Solon to Crœsus as 'a fabulous legend;' vol. iv. p. 395. It is also rejected by Dr. W. Smith, Hist. of Gr. p. 100. The internal improbability of this story is equal to its chronological inconsistency. What could an Asiatic despot at Sardis have known of the wisdom and travels of Solon; or how could such a conversation as that described have been carried on between Crœsus, who could not speak Greek, and Solon, who could not speak Lydian? The advice said to have been given by Pittacus to Crœsus, in Herod. i. 27, must also be fabulous, as well as his refusal of the gifts of Crœsus, his saying, and his letter to Crœsus, in Diog. Laert. i. 75, 77, 81; Plut. de Frat. Am. 12, because Pittacus died in 569 B.C., and Crœsus only began to reign in 560 B.C. Moreover, if Æsop died in 564 B.C. (see Clinton, ad ann.), he could not have been sent for to Sardis by Crœsus, according to Plut. Sol. 28, nor could he have gone from Crœsus to Periander, according to Plut. Sept. Sap. 4, if Periander died in 585 B.C. (Clinton, ad ann.), twenty-five years before the accession of Crœsus. The statement of Herod. ii. 134, that Æsop was the fellow-slave of Rhodopis, who was in her beauty in the reign of Amasis, can hardly be reconciled with the death of Æsop in 564 B.C. Amasis reigned from 569 to 526 B.C. The emancipation of Rhodopis by the brother of the poetess Sappho, is likewise, as Mr. Clinton remarks, incon-

fragments of his poems,(135) to have sailed to Cyprus and Egypt: but his visit to Amasis, mentioned by Herodotus,(136) must, like his visit to Crœsus, be a fiction; for the reign of Amasis did not begin till 569 B.C., twenty-five years after the legislation of Solon. He, like Crœsus, belongs to the next generation.

The criminal laws of Draco, which are referred to 621 B.C., twenty-seven years before the legislation of Solon, were preserved in later times; but little appears to have been known respecting them or their author, beyond what could be inferred from their contents. Zaleucus, the legislator of the Epizephyrian Locrians, in the south of Italy, is said to have been the earliest author of written laws in a Greek state. His legislation is placed in 662 B.C. The laws attributed to him are spurious, and the accounts of him in ancient writers appear in general to be fabulous. If indeed Timæus, a Sicilian writer, could venture to deny his existence,(137) we cannot suppose that any clear or authentic memorials of him had been preserved.

The unsuccessful attempt of Cylon to make himself despot of Athens, which is dated at 620 B.C., is undoubtedly a historical fact. Its memory was preserved on account of the hereditary taint which it left in the powerful family of the Alcmæonidæ; and the practical effects which this taint continued to produce, nearly two centuries after the act in which it originated. Although the tradition of the main fact was faithfully continued, the details were differently related: for the brief notice of Herodotus differs in two material points from the full narrative

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sistent with the reign of Amasis. Sappho is placed at 611 and 595 B.C. Other anachronisms of the ancients with respect to Sappho are pointed out by Mr. Grote, vol. iv. p. 104, note.

(135) Plut. Sol. 26. Plutarch, ib., says that Solon stayed some time with Psenophis of Heliopolis, and Sonchis of Sais, two learned priests; but he mentions no visit to Amasis. Compare Plat. Tim. § 5.

(136) i. 30. The anecdote of Pittacus and Amasis, in Procl. ad Hesiod. Op. 717, is also doubtless fabulous, as Pittacus died in the year in which Amasis began to reign.

(137) Fragm. 69, ed. Didot. The spuriousness of the extant laws of Zaleucus is proved by Bentley on Phalaris, p. 274—89, ed. 1816.

of Thucydides. The former states that Cylon failed in seizing the Acropolis; that he became a suppliant in a temple, from which he was removed; and that he was then put to death.(138) The latter, on the other hand, states that Cylon seized the Acropolis, and was besieged in it for some time by the Athenians; that Cylon and his brother escaped; but that his companions, reduced by hunger and thirst, became suppliants at the altars, and were afterwards slain by the besiegers.(139)

§ 14 A tolerably full account of the history of Corinth, during the despotic dynasty which governed that city for seventy-four years from the middle of the seventh century B.C., is introduced by Herodotus in a speech delivered by Sosicles, a Corinthian, at the congress assembled at Lacedæmon to decide on the restoration of Hippias.(140) After the Doric conquest of Peloponnesus, Corinth was governed by the Heraclide clan of the Bacchiadæ, who are reported to have been 200 in number, and to have retained their power for 200 years.(141) Cypselus, the son of Eetion and Labda, is described as overthrowing the dominion of the Bacchiadæ about 655 B.C., and acquiring the supreme power. The account in Herodotus of the ten Bacchiadæ who went to kill Cypselus when an infant, of his smiling on his murderers, and their taking pity on the innocent child—of their change of intention, and his concealment in a chest (κυψέλη), is a legend, invented in explanation of his name; not more historical than the story of the marvellous preservation of Romulus and Remus.(142) Respecting the conduct and character

(138) Herod. v. 71.

(139) Thuc. i. 126. This account is followed by Schol. Aristoph. Eq. 445. Heraclid. Pont. Pol. i, states that the companions of Cylon, who had taken refuge at the altar of Minerva, were put to death by Megacles; not Cylon himself.

(140) v. 92. Further details respecting Periander are given in i. 20, 23-4; iii. 48—53.

(141) Diod. vii. 7; Strab. viii. 6, § 20. Compare Clinton, ad ann. 744. Mr. Grote remarks that 'the Bacchiad oligarchy is unquestionably historical;' vol. iv. p. 409.

(142) The story is repeated, with some variation, by Nicol. Damasc. 68, in Fragm. Hist. Gr. vol. iii. p. 391. The chest of Cypselus, covered with sculptures, was preserved at Olympia, and was seen by Pausanias,

of Cypselus, we have two directly opposite accounts. The Corinthian orator in Herodotus says that he drove many Corinthians into banishment, deprived many of their property, and many more of their lives. Aristotle, however, in his Politics, accounts for the long duration of the rule of the Cypselidæ, by saying that Cypselus was a popular leader, and abstained from the use of a bodyguard; while Periander (he adds), though despotic in his habits, was warlike.(143) According to Herodotus, therefore, Cypselus was a harsh and cruel ruler; according to Aristotle, his government was mild and popular. Ephorus(144) and Heraclides Ponticus(145) agree with Aristotle

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who considers it to be the identical chest in which Cypselus was concealed by his mother; v. 17, § 5. Compare above, vol. i. p. 478. Concerning the chest of Cypselus, see Mure, Hist. of Gr. Lit. vol. iii. p. 425. Müller, Arch. der Kunst, § 57.

(143) Pol. v. 12. The numbers in the passage of Aristotle are inconsistent: and different emendations have been proposed. It seems to me that the words Ψαμμήτιχος δ' ὁ Γορδίου τρία ἔτη are an interpolation, and ought to be expunged. In characterizing the Cypselidæ in the following sentence, Aristotle only mentions Cypselus and Periander, and is silent about Psammetichus. The oracle in Herodotus limits the Cypselidæ to two generations: αὐτὸς καὶ παῖδες, παίδων γε μὲν οὐκέτι παῖδες; and Strabo, ubi sup., has the same meaning, when he says that μέχρι τριγονίας ὁ οἶκος αὐτοῦ συνέμεινε. According to the detailed account in Nicol. Damasc. 60, ib. p. 393, Periander had four sons, Euagoras, Lycophron, Gorgus, and Nicolaus, all of whom died before him. He gave Corcyra to his nephew Psammetichus, the son of Gorgus; and he left Corinth to Cypselus, another son of Gorgus, who was put to death by the Corinthians after a short reign. Psammetichus, the son of Gorgus, who is here described as despot of Corcyra, is evidently the same person as Psammetichus, the son of Gordias, who is called the successor of Periander in the text of Aristotle. Gorgias, a brother of Periander, is mentioned in Plut. Sept. Sap. Conviv. 17. Ambracia is stated to have been founded by Gorgus, the son of Cypselus, in Strab. vii. 7, § 6. Compare x. 2, § 8, where the name is corrupt. In Antonin. Liberal. c. 4, Gorgus, the founder of Ambracia, is called the brother of Cypselus. Herod. iii. 50-3, says that Periander had two sons, the younger of whom, named Lycophron, he destined for his successor, but he was put to death by the people of Corcyra. The eldest is called Cypselus in Diog. Laert. i. 94. Nicolaus Damascenus transfers to Nicolaus the story which Herodotus tells of Lycophron.

(144) According to Diog. Laert. i. 98. Ephorus and Aristotle stated that Periander first used a bodyguard, and changed the government into a despotism, and also expelled some persons from the city. This implies that the rule of Cypselus had been popular.

(145) A similar account of the change of government effected by Periander is given by Heraclid. Pont. Pol. 5; Fragm. Hist. Gr. vol. ii. p. 213. Herodotus, on the other hand, says: ὅσα Κύψελος ἀπέλιπε κτεινων τε καὶ ζώκων, Περίανδρός σφεα ἀπετέλεσε, v. 92.

in representing Cypselus as a mild ruler; and the same view is found in a newly-recovered excerpt of Nicolaus Damascenus, a historian of the Augustan age.(146) The later writers seem to concur in assigning to the rule of Cypselus, characteristics the very opposite of those which he receives from Herodotus, the most ancient authority on the subject. It may therefore be inferred that no certain knowledge respecting his government had reached the age of the historians.

Periander belongs to a somewhat later period. His reign extends from about 625 to 585 B.C.,(147) and therefore ends

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(146) Κύψελος δὲ Κορίνθου πράως ἦρχεν, οὔτε δορυφόρους ἔχων, οὔτ' ἀπροθύμως ὢν Κορινθίοις, Fragm. Hist. Gr. vol. iii. p. 392.

(147) This is Mr. Clinton's computation; see his Fasti ad ann. 625, 585. According to Aristotle's text, as it now stands, the rule of Periander lasted forty-four, not forty years. If however we follow the chronology of Herodotus, Periander must be placed at a much later date. Herodotus says that the 300 Corcyræan youths whom Periander sent to Alyattes, at Sardis, were saved by the Samians one generation before the Lacedæmonian and Corinthian expedition to Samos in the time of Polycrates. This expedition was in 525 B.C., and a generation before this time would be about 555 B.C. Herodotus further states that the sending of the Corcyræan youths was contemporary with the sending of a brazen crater from the Lacedæmonians to Crœsus, and of a linen thorax from Amasis to the Lacedæmonians, both of which were plundered by the Samians; iii. 47-8. It appears further from the account in i. 70, that the plunder of the crater took place about the same time as the capture of Sardis. This fixes the sending of the Corcyræan youths to 546 B.C., and yet Herodotus says that they were sent to Alyattes, who was the father and predecessor of Crœsus, and whose death is placed in 560 B.C. Thracybulus, despot of Miletus, with whom Periander was connected by ties of hospitality, and who gave him the famous advice by cutting off the heads of the tallest ears of corn, is described by Herodotus as contemporary with Alyattes; i. 20—22, v. 92. The account of Herodotus is therefore inconsistent with itself; but if we suppose that Periander was alive one generation before the Lacedæmonian expedition to Samos, we must lengthen his life beyond the received date by at least thirty years. If we suppose him to have been alive at the capture of Sardis, we must lengthen his life by as much as forty years.

The emendation of Panofka, in Herod. iii. 48: [τρίτῃ] γενεῇ πρότερον τοῦ στρατεύματος τούτου, is approved by Müller, Dor. i. 8, § 4, note, and it is supported by Plut. de Herod. Malign. 22, who either found it thus written in his copy, or tacitly corrected what he considered an error of the historian. Three generations before 525 B.C. would be 615 B.C., which falls within the reign of Periander according to the received chronology. But this alteration is quite inconsistent with the statement which follows those words—that the sending of the Corcyræan youths was contemporary with the plunder of the crater; the plunder of the crater being fixed to the time of the capture of Sardis, 546 B.C., which is less than one complete generation before 525 B.C. We must therefore suppose that the present text of Herodotus, with all its chronological inconsistencies, is correct.

Diog. Laert. i. 95, represents the sending of the Corcyræan youths as

about a century before the birth of Herodotus. His history appears to be better ascertained than that of his father Cypselus; but the accounts of him are largely alloyed with fable.(148) We are told that he murdered his beautiful wife Melissa, during her pregnancy, by an act of brutal violence, in a fit of jealousy produced by false stories which he had heard from some of his concubines; and that when he afterwards discovered the truth, he caused his informants to be burnt to death.(149) The murder of his wife gives occasion to a story told by Herodotus, of his sending messengers to consult a necromantic oracle near the river Acheron, in Thesprotia, concerning a deposit of money made with him by a friend, the place of which was known to her. When his wife's spirit is evoked, she refuses to give the information; she says that she is cold and shivering, because her clothes were not burnt with her. As soon as Periander receives this message, he convenes all the Corinthian women to the temple of Juno. They appear in their best attire, as for a festival; whereupon he orders his bodyguards to strip them, free and servile alike, of their clothes; and the clothes are forthwith burnt in a trench to Melissa. Her shade is satisfied by this

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occurring at the close of Periander's life. He states moreover that Periander flourished about the thirty-eighth olympiad, 628—5 B.C., ib. 98, which is wholly irreconcilable with the chronology of Herodotus.

(148) 'Though the general features of his character, his cruel tyranny, no less than his vigour and ability, may be sufficiently relied on, yet the particular incidents connected with his name are all extremely dubious;' Grote, vol. iii. p. 56. See also Mure, vol. iii. p. 381—8; iv. p. 391—4; and Bayle Dict. in v. Many of the received maxims and practices of Greek despotism were traced to Periander, according to Aristot. Pol. v. 11. He seems to have been an ideal *τύραννος*; clever, bold, unscrupulous, merciless, and successful; and hence he became a sort of mythical founder for the principles of the system; like Tarquinius Superbus, who was reported to have invented chains, prisons, rods, and other instruments of torture and methods of punishment; see Joannes Antiochenus, in Fragm. Hist. Gr. vol. iv. p. 553, and other writers cited by Schwegler, vol. i. p. 781. There appears to be no authority for the statement of Niebuhr, ib. p. 275, that the government of Periander was popular at its commencement. Aristotle, Pol. v. 12, says that he was *τυραννικὸς*, *ἀλλὰ πολεμικός*. Heraclid. Pont. 5, describes him as governing on despotic principles, though with moderation.

(149) Diog. Laert. i. 94. Herod. iii. 50, simply mentions his murder of his wife. Concerning her beauty, see Pythænetus, ap. Athen. xiii. p. 589 F. Fragm. Hist. Gr. vol. iv. p. 487.

offering, and on a second message to the oracle, discloses the place where she had concealed the deposit.(150) This story reappears in a wholly different form, in the version of it adopted by Ephorus. According to this version, Periander made a vow that he would dedicate a statue of gold, if he gained the victory in the chariot-race at Olympia. Having been successful, he was in want of gold for the sacred offering; and he procured it, by stripping the women of their golden ornaments, when they were assembled at a festival.(151) Another account of the origin of the golden statue of the Cypselidæ is cited from the work of a certain Agaclytus, upon Olympia. This writer stated that it was dedicated by Cypselus, who defrayed the expenses of it by a property-tax of ten per cent. continued for ten years. Didymus however affirmed that it was dedicated by Periander, not by Cypselus; and that his object was to check the luxury and repress the self-reliance of the Corinthians. These variations of the same story, mixed up with the explanation of a celebrated sacred offering, are infallible marks of a legendary origin. The marvellous story of Arion and the Dolphin is likewise connected with Periander. Arion is described as having passed the chief part of his life at the court of Periander, and as having returned to him from Tænarum after his miraculous preservation by the dolphin.(152) It can scarcely be doubted that this story was suggested by a statue of a man sitting on a dolphin which was dedicated by Arion at Tænarum.(153)

(150) Herod. v. 92. (151) Diog. Laert. i. 96.

(152) Photius and Suidas in Κυψελιδῶν ἀνάθημα. It is stated that under this statue there was inscribed the following couplet, which we must suppose to have been placed there after the fall of the Cypselidæ:—

αὐτὸς ἐγὼ χρυσοῦς σφυρήλατός εἰμι κολοσσός·
ἐξωλὴς εἴη Κυψελιδῶν γενεά.

See Fragm. Hist. Gr. vol. iv. p. 288.

The story of Cypselus levying a property-tax of ten per cent. for ten years, and thus fulfilling a vow that, if he became despot of Corinth, he would consecrate the entire property of the people to Jupiter, is also told in Pseud-Aristot. Oecon. ii. 2. but without reference to the golden statue or to any other offering. A treasury of Cypselus at Delphi is mentioned by Herod. i. 14.

(153) Herod. i. 24, describes this as the offering of Arion, but he does

The despotic dynasty of the Orthagoridæ at Sicyon was nearly contemporary with that of the Cypselidæ at Corinth. It lasted from about 670 to 570 B.C., and consisted of three rulers, Orthagoras, Myron, and Cleisthenes. Of the two first, no detailed accounts are preserved;(154) of the last some stories are related by Herodotus, illustrative of his enmity to Argos. The narrative of his proceeding respecting the Sicyonian tribes, and of his imposing opprobrious names upon three of them, derived from the swine and the ass, may be founded on fact; but all such stories explanatory of proper names are suspicious, unless they can be traced to contemporary testimony.(155)

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not say that Arion is himself represented: *καὶ Ἀρίονός ἐστι ἀνάθημα χαλκέον οὐ μέγα ἐπὶ Ταινάρῳ, ἐπὶ δελφῖνος ἐπεὼν ἄνθρωπος.* Paus. iii. 25, § 7, speaks of it as the brazen statue of Arion on a dolphin. Compare Ælian, Hist. An. xii. 45. Gellius, xvi. 19, repeats the story of Herodotus. Bianor, a Greek poet of the age of Augustus, makes the dolphin bring Arion, not to Tænarum, but to Corinth; Anth. Pal. ix. 308; See Lorentz, de Orig. Vet. Tarent. p. 16—21. (Berlin, 1827.)

Col. Mure remarks that 'if Herodotus did think fit to devote any considerable share of his text to the affairs of Corinth, we had a right to expect that he would give a preference to those possessing real importance. But instead of this, while a very liberal allowance of his text has been given to the history of Corinth, or rather of Periander, it has been allotted all but exclusively to popular and for the most part scandalous and fabulous anecdotes;' Hist. of Gr. Lit. vol. iv. p. 392. Periander died in 585 B.C., just a century before the birth of Herodotus, after having been master of Corinth, according to Aristotle, for forty-four years. It is by no means certain that in his lifetime the memory of the genuine history of Corinth during the years 629—585 B.C. was preserved, or that the stories then current concerning that period were not all of the same legendary character as those which he has reported. Herodotus has preserved scarcely any authentic history for the same period at Athens and Sparta. Col. Mure afterwards says that 'the historian's notices of Periander of Corinth present anomalies justifying the belief that it embodies, not so much the result of his own impartial research as the calumnies of the then popular party in the Corinthian state, in whose traditions he had been led, from whatever cause, to repose too implicit a confidence;' ib. p. 497. It seems however more probable that they were stories which had been modified by popular tradition, without any determinate political influence.

(154) An anachronism in Pausanias respecting Tartessian brass in the thesaurus of Myron at Olympia is pointed out by Mr. Grote, vol. iii. p. 44, note.

(155) Herod. v. 67, cf. vi. 126. Herodotus states that the names imposed by Cleisthenes remained in use for sixty years after his death, when the Sicyonians changed them to the names of the Doric tribes, Hylleis, Pamphyli, and Dymanatæ. If the names had been considered insulting,

Aristotle gives to the Orthagoridæ generally the character of popular rulers; he says that they observed the laws of their country, and made themselves beloved by personal attentions to the citizens. He mentions an anecdote of Cleisthenes having rewarded a person who decided against him in some disputed question as to a victory at public games; this story was, it seems, connected with a sitting statue extant in his time in the market-place at Sicyon.(156) We are quite ignorant as to Aristotle's means of information respecting the history of Sicyon during this early period.

§ 15 We find no detailed accounts in Lacedæmonian history above the kings Leon and Hegesicles, who lived about 600 B.C., until we reach the time of the Messenian wars. Of these ancient wars there is no mention in Herodotus,(157) and they are not alluded to by Thucydides. The earliest extant writer who speaks of the war by which Sparta subjugated Messenia, is Isocrates, who in his Archidamus, composed soon after the battle of Leuctra, and the restoration of the Messenians by Epaminondas, represents it in the following manner.(158) His account is, that the Messenians assassinated their king and founder, Cresphontes, the Heraclid; that his sons came to Sparta, as suppliants, offering their country as the price of assistance; that the Spartans consulted the oracle of Delphi, which advised them to accept the gift and avenge the wrongs of the sons of the murdered king; and that they thereupon laid siege to Messene, and, after a long contest, succeeded in con-

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they would probably have been changed as soon as the despotism was overthrown. According to this statement, the suppression of the Cleisthenean names took place about 510 B.C.

(156) Pol. v. 12.

(157) The only mention of a Messenian war in Herodotus is the cursory allusion in ix. 35, which is to the war called the Third Messenian War. (464—454 B.C.) Here πρὸς Ἰσθμῷ for πρὸς Ἰθώμῃ is probably an ancient corruption; see Müller, Dor. i. 9, § 10, note. It has been already remarked that the ancient MSS. more often err in proper names than in other parts of the text.

(158) See Archidam. § 23-4, 33-4, ed. Bekker. The Archidamus was completed in 366 B.C. The battle of Leuctra was in 371, and the restoration of Messenia in 369 B.C.

quering the country.(159) According to this view of the conquest of Messenia, it must have taken place soon after the return of the Heraclidæ, in 1104 B.C. Aristotle likewise speaks of the Messenian war as prior to Lycurgus:(160) he probably conceived it as falling under the early kings. Ephorus, however, the contemporary of Isocrates, who appears to have related this war in his history, placed its commencement at the time which was assumed by later writers; namely, soon after the reign of Teleclus, the eighth king of Sparta from Eurysthenes,(161) and therefore nine generations after the date supposed by Isocrates.

A detailed narrative of the wars by which Sparta subjugated Messenia is extant in the work of Pausanias, who wrote in the time of the Antonines. According to his statement, there were two Messenian wars: the first of which lasted twenty years, from 743 to 723 B.C.; while the second, which was intended to repress an attempt at independence, began after an interval of thirty-eight years, and lasted seventeen years from 685 to 668 B.C.(162) Pausanias describes himself as having derived his narrative from two principal sources; the prose history of the first war, by Myron of Priene, and the epic poem of Rhianus of

(159) Archidamus proceeds to say that their title to the Messenian territory is as good as their title to the Laconian territory; namely, the gift of the Heraclidæ, the declaration of the Delphic oracle, and conquest; § 25-6, 35-7. According to Pausan. iv. 3, § 4, 5, iv. 5, § 1, Cresphontes courted the people, and was in consequence put to death, together with his sons, by the aristocratic party. His son Æpytus, who was in Arcadia, alone escaped, and was afterwards restored to the throne by the Arcadians, by the Lacedæmonians under Eurysthenes and Procles, and by the Argives under Simus the son of Temenus. Apollod. ii. 8, § 5, says that Cresphontes and two of his sons were killed by the Messenians, but he represents Æpytus as returning secretly, and recovering his kingdom by the murder of the usurper Polyphontes.

(160) Pol. ii. 9. Mr. Clinton's alteration of this passage, in order to make it harmonize with Pausanias, is not admissible; F. H. vol. i. p. 143, note.

(161) Fragm. 53, ed. Didot. Niebuhr, ib. p. 172, thinks that Ephorus gave a true, though perhaps a brief, history of the Messenian wars. It does not however appear that Ephorus could have had access to any materials from which a true history of these wars could be written.

(162) Concerning the chronology of the Messenian wars, see Clinton, F. H. vol. i. p. 250—7. Some accounts made an interval of eighty or ninety years between the two wars.

Crete, on the second.(163) Rhianus is stated to have lived at the end of the third century, B.C., and Myron probably belonged to the same age.(164) These writers doubtless composed their works under the influence of the feelings produced by the restoration of Messenia. After the Messenians had recovered their independence, the ancient wars in which they had been subjugated by Sparta were invested with a halo of patriotism, and became a theme for authors who wished to strike upon this new chord of sympathy. When Herodotus wrote, their history had been forgotten, and there was no national feeling to create a legendary interest in their favour; but after the time of Epaminondas, a new Messenian sentiment had grown up, and the revival of Messenian independence produced the same demand for an account of the Messenian wars, as the greatness of Rome produced for a history of the period of its kings, and of the first centuries of the Republic. The narrative of Pausanias shows out of how small a stock of authentic information the ancients were able to fabricate a detailed history. The Messenian wars, however early their time, must indeed be considered as historical; for the poems of Tyrtæus, in which they were mentioned, were extant in antiquity, and Tyrtæus was contemporary with the second war, and was divided only by a generation from the first. He describes the first war as having been carried on by the grandfathers of the living generation;(165) a period quite within accurate memory. A few allusions in Tyrtæus, and some popular stories, floating among the Messenians, were probably the entire materials from which the works, followed by Pausanias, were constructed. His narrative of the Messenian wars is a mere political romance, composed of imaginary

(163) iv. 6. The Messenian wars appear to have been fully related in the lost seventh book of Diodorus; see vii. 7, 8, 12—14.

(164) See Fragm. Hist. Gr. vol. iv. p. 460.

(165) ἀμφ' αὐτὴν δ' ἐμαχονθ' ἐννεακαίδεκ' ἔτη
νωλεμέως, αἰεὶ ταλασίφρονα θυμὸν ἔχοντες,
αἰχμηταὶ, πατέρων ἠμετέρων πατέρες.
Fragm. 4, Schneidewin.

The city of Messene, besieged by the Spartans, is signified in these verses.

events.(166) So little was ascertained respecting them, that Aristomenes, the great champion of Messenian independence, was placed by Myron in the first war, whereas Rhianus placed him in the second; and Pausanias, on grounds of probability, prefers the account of the poet to that of the prose historian:(167) though there is no valid ground for deciding in favour of either.

Lycurgus, the Spartan lawgiver, is placed before the Messenian wars; but there is a wide discrepancy as to his date. Thucydides fixes the constitutional reform of Lacedæmon, which may be considered as synonymous with the legislation of Lycurgus, at a little more than four hundred years before the end of the Peloponnesian war: that is, about 810 B.C.(168) The date of Eratosthenes places him at 884 B.C.; another date, mentioned by Clemens of Alexandria, at 926 B.C.(169) The majority of writers describe Lycurgus as the guardian of Charilaus, of the Proclid line; but Herodotus states that, according to the account of the Lacedæmonians themselves, Lycurgus remodelled their constitution when he was guardian of his nephew Labotas, who was of the Agid line.(170) According to the received chronology, Labotas began to reign about 995 B.C.

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(166) See Müller, Dor. i. 7, § 8—11; Grote, vol. ii. p. 555—568. Niebuhr, in his Lectures on Ancient History, thus expresses himself respecting the Messenian wars: 'Down to the time of Crœsus, a thick darkness envelops the affairs of Greece Proper; we can discern only some isolated points, such as the supremacy of Pheidon in Peloponnesus, but it is utterly impossible to fix them chronologically. An event of a similar nature is the subjugation of Messene by the Spartans; the fact itself is as certain as all the reported details about it are undeserving of credit. . . . We cannot believe that he [Myron] invented the whole; his account is probably based upon Messenian traditions, but no man can say how far they are trustworthy. . . . In the romance of Myron, king Theopompus is slain. What was the fate of the several leaders, Euphaës, Androcles, and Antiochus, and how Ithome was defended—all these are points which it is impossible to relate; they are as little historical as the accounts of Romulus and Numa;' ib. p. 262, 265.

(167) Paus. iv. 6, § 2. 'Aristomenes is not an invention of Rhianus; he is a mythical personage, who certainly once did exist, but is so completely disguised by popular tradition, that nothing, or only very little of his history is authentic;' Niebuhr, ib. p. 266.

(168) i. 18.

(169) See Clinton, F. H. vol. i. p. 140—5, on the date of Lycurgus.

(170) i. 65.

Xenophon ascends to a still higher date; for he makes Lycurgus contemporary with the return of the Heraclidæ.(171) The accounts concerning his life and his legislation were, according to Plutarch, not less discordant than those concerning his time.(172) Hellanicus indeed was silent respecting his legislation, and attributed the Spartan constitution to Eurysthenes and Procles.(173) The tradition of his own countrymen, and the general voice of antiquity, regarded him as the author of the constitution of Sparta, as it existed in the historical age; but no certain knowledge of his actions seems to have been preserved. His life by Plutarch is nothing but a series of fictions, intended to account for the institutions of which he is assumed to be the author.(174) It resembles the history of Romulus, who, like him, performs the part of a universal founder;(175) and it is equally the result of late fiction unassisted by authentic traditionary materials.

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(171) Rep. Lac. 10, § 8, cited by Plut. Lyc. i. Timæus, ap. Plut. ib., and Cicero, Rep. ii. 10, Brut. 10, resort to the contrivance of supposing that there were two Lycurguses; see Fragm. Hist. Gr. vol. i. p. 202. Compare Mure, vol. iv. p. 88. 'The method of doubling or trebling the same person (says Niebuhr) leads to most perverse proceedings; but is nevertheless a very common expedient, which is constantly resorted to, which was unfortunately too often applied by the later among the ancient grammarians, and has been eagerly seized upon by the modern scholars of the seventeenth and eighteenth centuries, for the purpose of reconciling the most different accounts and traditions;' Lect. on Anc. Hist. vol. i. p. 194. This expedient is also disapproved of by Col. Mure, vol. iv. p. 89.

(172) Plut. Lyc. i. (173) Fragm. 91, ed. Didot.

(174) See Müller, Dor. i. 7, § 6. 'The whole history of Lycurgus, which we read in Plutarch, is no more historical than the life of Numa, which Plutarch has drawn up as a parallel to it; but I have still more faith in the historical existence of Lycurgus than in that of Numa. . . . . We will not doubt that Lycurgus was a law-giver, who came forward under the sanction of the Delphic oracle; but the accounts of his life are at least highly doubtful, and the extent of his legislation is as doubtful as his personal history;' Niebuhr, ib. p. 258-9. Again, in p. 186, he remarks: 'If there had been a traditional history of Sparta, it could assuredly not have left the Spartan lawgiver in vague uncertainty; but, as matters now are, there exist the most different stories about him.' In p. 187 he remarks that the uncertainty respecting the time and actions of Lycurgus is such, that he cannot be considered as belonging to history.

(175) He is thus regarded by Xenophon, in his Essay on the Lacedæmonian Constitution. Haase, in his edition, p. 155, remarks: 'Xenophon, qui, ut est alienus ab illustrandâ et perscrutandâ veteris memoriæ obscuritate, non quem quæque lex auctorem, sed quem usum haberet quæsivit, *omnes pariter Lycurgi tribuens sapientiæ.*'

The ephors, a magistracy peculiarly characteristic of the Spartan state, are ascribed by Herodotus and Xenophon to the institution of Lycurgus.(176) Aristotle however and Plutarch attribute them to king Theopompus; and represent his act to have been dictated by a long-sighted desire of rendering the royal office more durable by diminishing its power.(177)

The helots, as the slaves of the Lacedæmonians were called, are stated to have derived their name from the town Helos, which rebelled in the time of Agis, the next king after Eurysthenes, and whose inhabitants were in consequence reduced to slavery.(178) This story, however, is probably a mere etymological legend, not founded on any trustworthy historical evidence.

It is to be observed that, as the Spartans discouraged literature, they had no native historians: nearly all the writers on Sparta were foreigners:(179) Dicæarchus, whose work on the Spartan constitution was annually read to the youths in the office of the ephors, was a native of the Sicilian Messene.(180) If there had been a class of native writers, who occupied themselves with the early history of their country, they would probably have elaborated the stories and legends respecting the early kings, in the same manner that the Roman historians, from Fabius downwards, constructed a history for their seven kings, and the first centuries of the republic, full of events, and explanations of the origins of institutions. If Sparta had possessed a literary class, we might have had an early Lacedæ-

(176) τοὺς ἐφόρους καὶ γέροντας ἔστησε Λυκοῦργος, Herod. i. 65. He is followed by Xenophon, Plato, and others; see Clinton, vol. i. p. 338.

(177) Pol. v. 11; Lyc. 7. The same story is alluded to by Cic. Leg. iii. 7; Rep. ii. 33. The existence of the office of ephor is traced by clear evidence up to the time of king Ariston. The ephors who had been sitting with him when the news of the birth of his son Demaratus was brought to him, were produced as witnesses in the investigation concerning the legitimacy of the latter, about 491 B.C.; Herod. vi. 65.

(178) Ephor. fragm. 18. See Müller, Dor. iii. 3, § 1; Niebuhr, ib. p. 236; Grote, vol. ii. p. 496, who all reject the derivation of εἵλως from Ἕλος.

(179) Müller, Dor. iv. 8, § 1. Manso, Sparta, vol. i. part ii. p. 70.

(180) Fragm. 21, ap. Fragm. Hist. Gr. vol. ii. p. 241.

monian history, written under the influence of Lacedæmonian feeling, not less copious and minute, than the history of the Messenian wars, which, after the restoration of Messenia, was written under the influence of Messenian feeling.

§ 16 Phidon, king of Argos, who is reported to have extended both his power and his kingdom, and to have caused his influence to be felt over a large part of Greece, has, like Lycurgus, two dates, divided by a long interval from each other. He is placed at 895 and also at 748 B.C., a difference of 147 years.(181) He was celebrated as the author of the scale of weights and measures used in the Peloponnesus;(182) but whether this is more historical than many other origins of useful inventions must, with respect to so ancient a name, remain undetermined.

The time when the names of Spartan kings, and the years of their reigns, were first noted by contemporary registration, cannot be determined with certainty. Theopompus, who lived in the Second Messenian War, is mentioned by Tyrtæus; which of his predecessors up to Eurysthenes and Procles are real men, and which are fictitious names, inserted in order to make a continuous genealogy ascending to Hercules, is doubtful.(183) The variations in the names and succession of the early kings show, however, that no list of paramount authority was received

(181) See Clinton, vol. i. p. 247.

(182) Herod. vi. 127; Strab. viii. 3, § 33; Plin. H. N. vii. 57; Müller, Æginetica, p. 56. Compare above, vol. i. p. 452, n. 138, p. 509, n. 105, where the introduction of coined money is ascribed to Numa, and also to Servius. The establishment of weights and measures is also attributed to Servius. Mr. Grote says of Phidon: 'The few facts which we learn respecting this prince exhibit to us, for the first time, something like a real position of parties in the Peloponnesus, wherein the actual conflict of living, historical men and cities comes out in tolerable distinctness;' vol. ii. p. 419. Niebuhr considers Phidon as historical, and his personal history as quite certain; he likewise credits the statement that Phidon established common weights and measures for the whole of Peloponnesus; ib. p. 260.

(183) The views of O. Müller respecting the registers of the early Spartan kings are fully explained by him, in a review of Mr. Clinton's first volume, in the Göttingische gel. Anzeigen, 1837, vol. ii. p. 893—6.

Speaking of the lists of the Spartan kings, and the catalogue of the priestesses of Juno at Argos, he says: 'It is certain that these documents

in antiquity;(184) although Charon of Lampsacus, a historian anterior to Herodotus, composed a chronological work on the kings of Sparta;(185) which was probably founded on native accounts. The quadriennial register of Olympic victors seems

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were proportionably old, since the most skilful inquirers—Hellanicus for the Argive and Eratosthenes for the Spartan lists—considered them sufficiently authentic, to serve as the basis of the chronology of entire periods. Nevertheless, we are compelled to assume that at the time when writing can be clearly proved to have been used in Greece—that is, in the eighth, or at the earliest the ninth century B.C.—these registers were compiled from the recollections of the oldest persons, by Spartans versed in their native history, and from various traces and conjectures by priests of Argos, who felt a pride in the antiquity of their temple. There were many such registers in temples; such as the lists of the kings and priests of Apollo at Sicyon, cited by the chronographers, the genealogy of the Butadæ in the temple of Minerva Polias at Athens, the interesting and important catalogue of the priests of Neptune, of the family of Antheadæ, at Halicarnassus, which has recently been brought to light. (Corp. Inscript. Gr. No. 2655.) If however all these names had been recorded at the times to which they relate, or even from the Return of the Heraclidæ, there must have existed a practice in the art of writing, and a zeal for the preservation of remarkable facts, which cannot be reconciled with the meagreness and uncertainty of the Greek history in these centuries. We must, in that case, suppose the Greek history, at this early period, to have possessed contemporary annals, like Rome from the commencement of the republic. It is also certain that the Argive, as well as the Halicarnassian list (Boeckh, ib. vol. ii. p. 450) was full of unhistorical statements.'

O. Müller contests the view of Mr. Clinton that the lists of the early Spartan kings may have contained names alone, without numbers. He admits, however, the force of the objection that the descents in both the royal houses for all the early kings cannot have been from father to son, as they are represented, especially as collateral descents begin as soon as we arrive at the age of contemporary history. He remarks that in other lists of hereditary rulers in early times a similar direct descent occurs, as in the kings of Arcadia and the Bacchiadæ of Corinth. Hence he supposes that the lists of the names were without any statement of the genealogical relations, and that it was taken for granted that the descent was always from father to son, except in one case, when Zeuxidamus the Eurypontid followed immediately after his grandfather Theopompus, the conqueror of Messenia; a circumstance which may have been mentioned in the poems of Tyrtæus. This construction of the lists of the Spartan kings, is (he adds) at all events older than Herodotus; see vii. 204, viii. 131.

According to Niebuhr, Eratosthenes made up the lists of Spartan kings from traditionary names, but the dates which he added were fictitious; ib. p. 187. See also p. 257, where the lists of Spartan kings made by Eratosthenes are treated as unworthy of confidence. In p. 231 he says that the authentic history begins with the kings Eurypon and Agis. Compare p. 236.

(184) See Clinton, F. H. vol. i. p. 144.

(185) *πρυτάνεις ἢ ἄρχοντες οἱ τῶν Λακεδαιμονίων· ἔστι δὲ χρονικά.* Suidas in *Χάρων*. See Fragm. Hist. Gr. vol. i. p. xviii. No fragment of it is preserved. Compare Mure, vol. iv. p. 76, 168.

to have been kept with regularity from the year 776 B.C.;(186) but it was a mere instrument of chronological notation; it afforded no historical information.

'§ 17 That the Dorians at some early period settled in the Peloponnesus, and reduced the previous population to subjection, cannot be doubted; but the detailed account of this event, under the denomination of the Return of the Heraclidæ, in 1104 B.C., eighty years after the capture of Troy, belongs to legend, and not to history. We do not know that either the persons or the events are real; no contemporary poet makes mention of it; and the time is too remote for a faithful oral tradition to have descended to the age of the historians.(187)

Mr. Grote says that, at the Return of the Heraclidæ, 'we pass, as if touched by the wand of a magician, from mythical to historical Greece.'(188) Colonel Mure likewise speaks of the Dorian revolution as forming a marked line between mythical and real in the annals of Greece.(189) It seems however im-

(186) Col. Mure rejects the statements which distinguish the olympiad of Iphitus from that of Coræbus, and supposes that there was a series of unrecorded victors before Coræbus; vol. iv. p. 78—90. Mr. Clinton does not agree with Clavier in assuming that there were three persons named Iphitus, but he thinks that there were two; F. H. vol. i. p. 142. Varro divided time into three periods; the first he called the uncertain period, the second the mythical, and the third the historical period. He reckoned the historical period from the first olympiad; Censorin. de die nat. c. 21.

(187) Niebuhr considers all the details connected with the Return of the Heraclidæ as fabulous. 'My decided opinion (he says) is, that we do not possess the slightest historical knowledge of the circumstances accompanying the conquest. All the stories about it, as those of the fights of Tisamenus, the son of Orestes, with the Dorians, of the Achæans throwing themselves upon the Ionians, of the emigration of the latter, and the like, are quite irreconcilable with the traditions of the preceding period; the whole account does not possess a shadow of historical truth. . . . . The instinctive desire of man to fill up what is deficient led men to invent and record the story of an immigration. When this is once done, everything, according to a natural paralogism, is credulously taken for true tradition; and posterity forgets that the things recorded many centuries after the event, though the record itself may be centuries old, has no more authenticity than if the story were now written down for the first time;' ib. p. 228-30.

(188) Hist. vol. ii. p. 7.

(189) Hist. of Gr. Lit. vol. iv. p. 71. Niebuhr makes the historical period commence with the Doric migration; but he remarks that though the previous period is mythical, the subsequent period is not altogether

possible to fix any one period for the commencement of authentic history in all the different Greek states. It is probable, that, for reasons of which we are now ignorant, the traditions of certain states may have mounted higher than others, or may have been registered at an earlier date. We cannot suppose the illumination to have been simultaneous and universal: a few bright spots probably appeared in different places, as precursors of the full light of history, which after a time overspread the entire country. Thus the history of Athens, for 794 years during the reign of sixteen kings from Cecrops I. to Codrus, of thirteen perpetual archons from Medon to Alcmæon,(190) and also under seven decennial archons from Charops in 752 to Eryxias in 684 B.C., and under the annual archons from Creon in 683 B.C. to the time of Cylon, is a complete blank, except so far as it is decorated with fabulous legends attached to the names of Theseus and Codrus.(191) Various accounts were given of the death of Codrus, who was supposed to have sacrificed himself by a stratagem for the safety of his country.(192) He was said to be the last Athenian king, and it was supposed that after him the royalty was abolished in order to do him

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historical; ib. p. 184. Diodorus states that Ephorus passed over the ancient mythical period in silence, on account of its obscurity and uncertainty, and began his history with the Return of the Heraclidæ; iv. 1.

(190) See Meursius, de Reg. Athen. iii. 16; Clinton, vol. i. p. 59, 121, 131. Concerning the beginning of the annual archons, see Clinton, ib. p. 182. Niebuhr says: 'It is not impossible that at Athens there may have been records even of the last kings and of the archons for life; their names at least do not appear to be fictitious, like those which strike us at once in so many myths;' ib. p. 183. In p. 225 he remarks that the years of the archons for life have as little authenticity as those of Theseus and Erechtheus.

(191) Niebuhr considers the accounts of the kings and perpetual archons of Attica as fabulous: at the most, he thinks that some of the names of the real kings have been preserved; ib. p. 224-5. Afterwards he remarks that 'we know absolutely nothing of the history of Attica under the government of the archons for life, and those who held their office for ten years, until we approach the time of Solon. We possess two lists, but do not know a single fact, if we except the mention of the ἄγος Κυλώνειον and the legislation of Draco;' p. 260. Compare Grote, vol. i. p. 262–298; vol. iii. p. 65-7, who says that 'all our historical knowledge of Athens is confined to the period of the annual archons.'

(192) See Meursius, de Reg. Athen. iii. 12, 13.

honour.(193) His successor, Medon, is however sometimes called king.(194) According to another story the royalty was abolished on account of the effeminacy of the kings.(195) A topographical legend, explanatory of a singular name of a place in Athens, was related of Hippomenes, one of the perpetual archons; but the story is told anonymously by Æschines, and it seems to have been transferred to him on account of his name.(196)

The accounts of the primitive state of Attica, which describe twelve cities as founded by Cecrops, and afterwards consolidated by Theseus;(197) and which speak of provincial kings in Attica,(198) contain no historical material; all attempts to illustrate the four ancient tribes, the Hopletes, Geleontes, Argadeis, and Ægicoreis,(199) are moreover as fruitless as the similar at-

(193) Post Codrum nemo Athenis regnavit, quod memoriæ nominis ejus tributum est; Justin, ii. 7. Compare Syncellus, vol. i. p. 335.

(194) Paus. vii. 2, § 1; Ælian, V. H. viii. 5. Homer was entertained by Medon, king of Athens, according to Hesiod. et Hom. Certam. p. 252, ed. Goettling.

(195) Heraclid. Pont. Pol. i. § 3, *ἀπὸ δὲ Κοδριδῶν οὐκέτι βασιλεῖς ᾑροῦντο, διὰ τὸ δοκεῖν τρυφᾶν, καὶ μαλακοὺς γεγονέναι.*

(196) Heraclid. ib.; Diod. viii. 27. Suidas in *Ἱππομένης* and *παρ' ἵππον*, Photius in *παρ' ἵππον*, Diogenian, iii. 1, with the note of the Göttingen editors. Compare Æschin. Timarch. p. 26, who refers the story to *ἀνὴρ εἷς τῶν πολιτῶν*. The story is that Hippomenes, in order to punish his daughter for her unchastity, shut her up with a horse, and the horse, pressed by hunger, destroyed her; hence the place was called *παρ' ἵππον καὶ κόραν*, down to the time of Æschines. The name *Ἱππομένης* evidently suggested this fable. Hippomenes is called one of the life archons in Paus. iv. 13, § 7. Some of the accounts describe him as the last king.

(197) See Philochor. fragm. 11, ed. Didot; Steph. Byz. and Etymol. Mag. in *ἐπάκρια*. Plut. Thes. 24; Thuc. ii. 15-6. Attius, the Roman tragic poet, called Athens *quadrurbis*, because it was formed of four towns; viz., Brauron, Eleusis, Piræus, and Sunium; Trag. Lat. Rel. p. 189. ed. Ribbeck.

(198) The inhabitants of the Attic demus of Athmone said that their temple of Venus Urania was built by Porphyrion, who was king before Actæus; Paus. i. 14, § 7. In like manner, the inhabitants of Myrrinus said that Colænis, to whom a temple of theirs was dedicated, derived her name from Colænus, a king anterior to Cecrops; ib. i. 31, § 5. The palace of Crocon, an ancient king of Eleusis, who married Sæsara, a daughter of Celeus, was shown near the river Rheiti; ib. i. 38, § 1, 2.

(199) 'The four tribes [of Attica] and the four names, allowing for some variations of reading, are historically verified; but neither the time of their introduction nor their primitive import are ascertainable matters, nor can any faith be put in the various constructions of the legends of Ion, Erechtheus, and Cecrops, by modern commentators;' Grote, vol. iii. p. 70.

tempts to explain the three ancient tribes of Rome, the Ramnenses, Titienses, and Luceres.(200)

The Ionic migration from Attica to Asia Minor is placed in the time of Medon, the successor of Codrus, and at an interval of sixty years after the Return of the Heraclidæ; that is, 1044 B.C., according to the chronology of Eratosthenes. The Æolic migration from Bœotia to the Troad, and other parts of Asia Minor, is referred to an earlier period: it is supposed to have occurred twenty years before the Return of the Heraclidæ and sixty years after the taking of Troy, 1124 B.C.(201) The affinities of the Greek cities; their race, gods, heroes, religious rites, and dialect, appear to have been preserved by faithful traditions; but there is nothing to show that any historical knowledge of real events at this early period was retained until the literary age.(202) A long series of dates, in the seventh and eighth centuries B.C., from the beginning of the olympiads, is also given for the foundations of Greek colonies. How far these dates are authentic, we have little means of judging; but the colonial legends connected with the early foundations are for the most part fabulous.(203) Thus the story of the Lacedæmonian Partheniæ who founded Tarentum at the time of the Messenian wars, is destitute of all claim to be considered historical.(204)

(200) See above, vol. i. p. 412.

(201) Concerning the Æolic migration, see Clinton, vol. i. p. 102—6; and concerning the Ionic migration, p. 112—23.

(202) 'The emigrations of the Athenians into Asia, that under Neleus, as well as under Penthilus, cannot be regarded as historical. All these traditions and stories have an unmistakeable origin; and in several of them we can say with incontrovertible evidence, why they were invented; and where this is not possible, we may conjecture it with great probability from analogous cases;' Niebuhr, ib. p. 188, and compare p. 213, 225. Mr. Grote considers the accounts of the Æolic and Ionic migrations as legendary, and not historical; vol. iii. p. 229, 256.

(203) Compare Niebuhr, ib. p. 239: 'The history of the foundation of all the Greek colonies is obscure, although it belongs to the period subsequent to the commencement of the olympiads. The common accounts of the establishment of the colonies are altogether untrustworthy.'

(204) Ephor. fragm. 54; Antiochus, fragm. 14; Diod. vii. 26; Dion. Hal. xvii. 1, 2; and see Lorentz, de Origine Veterum Tarentinorum, c. 3. An oracle similar to that described by Diodorus and Dionysius as having

§ 18 Our researches into the period of Greece which is anterior to the age of contemporary history lead us therefore to the conclusion that a connected account of the affairs of the principal Greek states begins about a century before the birth of Herodotus; and that a continuous narrative of the principal transactions is carried on from the time of Crœsus and Cyrus, when the Ionic Greeks first became subject to the Lydian and Persian kings. As soon as we ascend beyond the memory of the generation which preceded Herodotus and his contemporaries, we find the chronology uncertain, the order of events confused, and the narrative interspersed with legend and fable. As we mount higher, the uncertainty increases, until at last the light of history is almost quenched, and we find ourselves in nearly total darkness. The accounts of Periander, the celebrated despot of Corinth, whose rule lasted from about 625 to 585 B.C., may be compared with much of what we find in the history of Rome, during the reign of the last Tarquin and the first two centuries of the Republic; while the accounts of Lycurgus and his legislation resemble those which are delivered to us as the history of Romulus, Numa, and Servius; and the detailed narrative of the Messenian wars in Pausanias offers a counterpart to the relation of the Alban war, the war with Porsena, and other early wars, which we meet with in the Roman history.(205)

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been given to the Lacedæmonians with respect to the foundation of Tarentum is stated, by Paus. iv. 20, § 1, to have been given to the Messenians with respect to the event of their war with Sparta. It turns on the ambiguity of the word τράγος, which meant both a goat and a wild fig-tree.

(205) On the history of Greece, before the Persian war, Niebuhr makes the following remarks: 'All that Thucydides says about the Pisistratids, about the κτίσεις, &c., about the nations that sent out colonies, and the time at which they were sent, is authentic; if we add to this a few fragments from Ephorus and other trustworthy sources, these are all the genuine historical data that have reached us. Whatever we read elsewhere, even in Herodotus, about the earlier times, the Pisistratids, the stories of Solon, Lycurgus, Cleisthenes of Sicyon, all these, whatever may be said to the contrary, are nothing but oral traditions and tales of no more historical value than the Roman stories of Coriolanus, Camillus, and the like. They are tales concerning real personages, in which there is a groundwork of genuine history, but which has been disfigured in the process of continuous oral tradition; it matters not whether we suppose that

There is however one remarkable difference between Greek and Roman history, during the ages immediately preceding the period of the earliest historians. For the first five centuries after the foundation of the city, Rome had no literature, either in verse or prose. In Greece however it was otherwise. Here there was a long series of poets, beginning with Homer and Hesiod, whose poems descended from an undated antiquity, and proceeding through Arctinus, Callinus, and Archilochus, who are placed in the eighth century B.C., to Simonides of Amorgus, Tyrtæus, Alcman, Mimnermus, Sappho, Alcæus, Stesichorus, Solon, Anacreon, Simonides of Ceos, Hipponax and Theognis, who lived in the seventh and sixth centuries. There is no good reason for supposing that the poems of Homer and the other early epic poets contain any historical matter, or that they narrate events which really happened;(206) but the works of the elegiac and lyric poets, though not designedly historical, include allusions to contemporary men and events, which preserved their memory, and served as an incentive to perpetuate such oral traditions as would explain the allusions. Thus Gyges, the first Mermnad king of Lydia, who reigned from about 715 to 680 B.C., was mentioned by Archilochus, his contemporary:(207) and Mimnermus composed an elegy upon the battle of the Smyrnæans against

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they were propagated in the form of poetry, or became the common property of the people as mere prose narratives, like fairy tales. All the traditions of the early times, as that of Othryades, and a great many others, are of this description; all those graceful and beautiful stories can claim no higher value than the Roman ones;' ib. p. 190.

(206) Niebuhr considers the war of Troy as belonging entirely to the mythic or heroic period; to the region of fable, so that we cannot select any one of its incidents as more or less probable than the rest; Lect. on Anc. Hist. vol. i. p. 192; Hist. of Rome, vol. i. p. 180. Nevertheless he thinks that the Greeks really went to Troy, and that the Atridæ were real kings; Lect. p. 165; Hist. ib. Col. Mure treats the Homeric account of the Trojan war as typical of the Æolian migration from Greece to the Troad; vol. ii. p. 211-3. On the other hand, Niebuhr considers the fall of Troy as a symbol of the fall of the Pelasgians; Hist. vol. i. p. 177.

(207) Γύγης, τοῦ καὶ Ἀρχίλοχος ὁ Πάριος κατὰ τὸν αὐτὸν χρόνον γενόμενος, ἐν ἰάμβῳ τριμέτρῳ ἐπεμνήσθη, Herod. i. 22. The verse referred to has been preserved: οὔ μοι τὰ Γύγεω τοῦ πολυχρύσου μέλει, fragm. 10, ed. Gaisford. The Mermnad dynasty, consisting of Gyges, Ardys, Sadyattes, Alyattes, and Crœsus, appears to be entirely historical. See Grote, vol. iii. p. 279; Clinton, vol. ii. p. 296.

Gyges and the Lydians.(208) The references of Tyrtæus to the Messenian wars, and of Solon to his own legislation, have been already described. Alcæus mentioned Melanchrus the despot, and Pittacus the dictator of Mytilene:(209) he alluded to his brother Antimenidas fighting in the Babylonian army, and slaying a gigantic champion of the enemy;(210) he likewise sang of the arms, which the Athenians took from him in battle, and hung up in the temple of Minerva at Sigeum.(211) All these events were long anterior to contemporary history, and were unrecorded at the time of their occurrence, by any prose writer; and hence the history of literature precedes political history in Greece.(212) The seven wise men, moreover, marked an era in the progress of Greece, anterior to coeval history, but subsequent to the growth of a sense of admiration for social and political prudence, as well as for poetical excellence.(213)

§ 19 In proportion as the uncertainty of the history, increasing as it recedes from the age of contemporary authors, is perceived and acknowledged, there seems to arise a desire of supplying the want of sound and credible evidence by conjecture, and of framing hypotheses, which shall remove inconsistencies, diminish improbabilities, and introduce coherence in the traditionary accounts. To some inquirers indeed this uncertain period of history presents greater attractions than a period of comparative certainty, lying within the observation of contemporary historical writers.(214) Such a preference of the uncertain to the certain period; of the period of conjecture to the period of

(208) Μίμνερμος δὲ ἐλεγεῖα ἐς τὴν μάχην ποιήσας τὴν Σμυρναίων πρὸς Γύγην τε καὶ Λυδούς, φησὶν ἐν τῷ προοιμίῳ, &c.; Paus. ix. 29, § 4. The campaign of Gyges against Smyrna is mentioned by Herod. i. 14.

(209) Fragm. 13, 30, ed. Schneidewin. The life of Pittacus is placed at 651—569 B.C.; Clinton, ad ann.

(210) Fragm. 25-6. (211) Fragm. 24; Herod. v. 95.

(212) Compare vol. i. p. 237.

(213) See Grote, vol. iv. p. 126-30.

(214) Niebuhr alludes, in his Lectures on Roman History, to this erroneous tendency. 'We must not (he says) believe that Roman history ceases to have any interest, where we have contemporary authorities, and that only those parts are interesting which must be made up by conjectures and combination;' vol. 1, p. xc.

proof; of the period of imagination to that of the reason, is founded on a misconception of the ends of history. If the past is to furnish instruction, and to serve as a beacon for the future, history must be a well-authenticated narrative of facts; it must not be a vague and indistinct sketch, formed by doubtful conjectures. Such a preference for the dim and indefinite portions of history likewise generally implies a sacrifice of the interests of the reader to the reputation of the writer. In proportion as the materials are confused, obscure, and imperfect, there is scope for the ingenuity of the historian; for bold theories, novel combinations, startling hypotheses, brilliant fancies. The historian who contents himself with the less aspiring but more difficult task of collecting, digesting, weighing, and interpreting evidence is, in comparison with a writer of the former class, regarded as a mere drudge or pioneer of literature. His fidelity to facts is taken as the mark of a barren and uninventive mind. But a historian who emancipates himself from a close adherence to authentic testimony may be able, perhaps with little cost of labour, to exhibit himself in a favourable light, and to dazzle his readers by the appearance of important discoveries; though in fact he has produced nothing but arbitrary fiction under the garb of history, and has furnished no solid material for the instruction and profit of the student. Learned writers, moreover, are not always exempt from a desire of imposing upon the unwary public by a cultivation of obscure and difficult subjects, which are essentially indeterminate, and can never yield any useful result.

If the conclusions arrived at in the preceding examination of the early Roman annals are sound, and well-established, no reasonable certainty, with respect to the accounts which were preserved by the ancient writers, and have descended to us in their extant works, is attainable. Professors of speculative history can make this period the subject of hypotheses, which may be more or less ingenious and attractive; but their theories must be all equally unsusceptible of proof; and our knowledge of the first five centuries of the city will receive no increase.

We must, however, guard ourselves against the error of supposing that the uncertainty of the early Roman history furnishes a reason why the later history should not be cultivated. The obscurity of the ancient period ought not to deter us from attempting to illustrate and revive the truly historical period. In some important respects, indeed, the history of Greece possesses a superiority over the history of Rome. The Greeks first raised mankind out of the oriental state of despotism and polygamy to freedom of public and private life; they were pre-eminent in literature, art, and science; they first created philosophy, history, and oratory; they first taught men to reason, to speak, and to write. They have this imperishable fame, which no other nation can share with them. But the history of Rome is not without its peculiar interest and attractions for the modern world. The Romans were the great masters of civil government, jurisprudence, military organization, and war in antiquity. By their efficiency as soldiers they conquered the ancient world; by their skill as rulers they held it in permanent subjection. Hence (as Niebuhr has truly remarked), the history of all nations in the ancient world ends in that of Rome, and that of all modern nations has grown out of that of Rome.(215) Modern Europe is connected by a thousand different threads with the ancient Roman empire; all the origins of its civilization, of its political institutions, law, literature, science, and languages, are traceable to Rome. The great recollections of antiquity made the Bishop of Rome the head of the Western Church. The modern Greeks even call their language Romaic, and look to Constantinople as their capital. So intimate and manifest is the connexion of modern Europe with ancient Rome, that Roman history must continue to be studied and cultivated in Europe and America, while man remains a historical animal, and occupies himself about the past destinies of his own race and nation.

(215) Lect. vol. 1, p. xcvi. He also observes that 'in modern history the English alone have passed through the same perfect career of development as the Romans; and in a cosmopolitan point of view, therefore, the history of these two nations must always be the most important;' ib. p. ii.

All the historical labour bestowed upon the early centuries of Rome will, in general, be wasted. The history of this period, viewed as a series of picturesque narratives, will be read to the greatest advantage in the original writers, and will be deteriorated by reproduction in a modern dress. If we regard a historical painting merely as a work of art, the accounts of the ancients can only suffer from being retouched by the pencil of the modern restorer. On the other hand, all attempts to reduce them to a purely historical form, by conjectural omissions, additions, alterations, and transpositions, must be nugatory. The workers on this historical treadmill may continue to grind the air, but they will never produce any valuable result.

Those who are disposed to labour in the field of Roman history will find a worthier reward for their toils, if they employ themselves upon the time subsequent to the Italian expedition of Pyrrhus. At this epoch, the Romans, though a formidable, were not a predominant power; their rule was still confined to a part of Italy; they had not yet begun to run their course of universal empire, and they had only given obscure indications of the prodigious energy, and overwhelming ascendancy, which they afterwards exhibited. Their old republican constitution, moreover, which was now fully developed with respect to the Roman community itself, and its relations to a few municipia and colonies, continued in a substantially unchanged state, for nearly two centuries; during which period its character and operation are fully displayed. For the whole of this time, an authentic history, proof against all reasonable doubt, can be recovered. It is indeed subject to the imperfections which beset a large part of the annals of antiquity. The original contemporary authors, unassisted by the use of printing, and by the numerous mechanical contrivances which facilitate the researches and widen the horizon of the modern historian, were limited in their means of obtaining trustworthy intelligence. Their works are moreover lost, and our knowledge of the facts is, to a great extent, derived only from secondary compilations.

But, even under these disadvantages, it is possible to con-

struct an authentic narrative, which would show how Rome, from a republic whose power included only a portion of central Italy, extended her conquests so that she became mistress of all the countries surrounding the Mediterranean; how her free republican constitution, originally calculated for a single city and its community of citizens, found itself converted into the central point of an enormous empire of dependencies; and how that constitution, being unfitted for the government of a vast body of provincial subjects, and unable to overcome the dangers which it created, was strangled by the powers which her military successes had called into being; until the Roman world, exhausted by civil wars, sank into repose under the mild dominion of the dictator Cæsar, and of his nephew, the wise Augustus. In this history much must remain incomplete, uncertain, unknown; but the great outlines are as firmly marked as in a modern history, composed with brighter lights and from ampler materials; and the historical inquirer will meet with a richer return for his labours, than if he bewildered himself with vain attempts to distinguish between fact and fiction, in the accounts of the foundation of Rome, the constitution of Servius, the expulsion of Tarquin, the war with Porsena, the creation of the dictatorship and tribunate, the decemviral legislation, the siege of Veii, and the capture of Rome by the Gauls; or even the Licinian rogations, and the Samnite wars.

ADDITIONS AND CORRECTIONS.

Page 23. The conspiracy of the slaves is mentioned by Joannes Antiochenus, § 44, Fragm. Hist. Gr. vol. iv. p. 555; but it is placed in the sixth year of the Republic, in the consulship of Cassius and Sulpicius. According to Dionysius, it occurred in the ninth year of the Republic, in the consulship of Cominius and Larcius; but he makes Sp. Cassius one of the consuls of the preceding, and S. Sulpicius one of the consuls of the succeeding year; above, p. 53.

P. 25, note 87. With the passage of Suidas compare Joann. Antioch. § 45, ib.

P. 28, n. 96. Compare Joann. Antioch. ubi sup. who has Μαμήλιος.

P. 91, line 14, *for* punishment, *read* banishment.

P. 216, l. 5, *for* Appius, *read* Oppius.

P. 244, n. 221, last line but one, *for* Appius, *read* Oppius.

P. 363, l. 8, *after* Dionysius, *insert* 'some excerpts of Appian,'

P. 436, n. 70. Aristotle, in his δικαιώματα πόλεων, Fragm. Hist. Gr. vol. ii. p. 180, fr. 255, stated that Alexander the Molossian, upon the invitation of the Tarentines, sailed to assist them in the war against the barbarians with fifteen ships and other transports. Aristotle outlived Alexander about nine years.

P. 468, n. 170. The battle between Narses and Totila, in 552 A.D., was fought near a place called Busta Gallorum in the Umbrian territory; Procop. Bell. Goth. iv. 29. Procopius derives the name from a defeat of the Gauls by Camillus. Gibbon, c. 43, refers it to the battle of Sentinum, at which Gauls were engaged.

P. 475, n. 190, line 6, *for* ratus *read* natus.

P. 526, n. 107. Cyrus is classed with Lycurgus, as a type of political excellence, in Plat. Epist. iv.

P. 425, n. 35, *for* writer, *read* writers.

P. 482, l. 1, *for* confined not merely, *read* not confined.

INDEX.

Aberrigines, i. 395.

Aborigines, their appearance in Italy, i. 272; they expel the Siceli from Latium, *ib.*; they change their name to Latins, i. 273; they expel the Siceli from Italy, *ib.*; meaning and etymology of the name, i. 279; primitive inhabitants of Italy, i. 280; their kings, i. 299.

Acca Larentia, i. 385.

Accius, his poem of 'Annales,' i. 55.

Acesta, i. 318.

Acestes, i. 318.

Acheron, a river in Italy, ii. 437.

Acron, king of Cænina, i. 421, ii. 277.

Actium, temple at, founded by Æneas, i. 312.

Acusilaus of Argos, an early logographer, ii. 495.

T. Ælbutius, a Roman master of the horse, ii. 30.

Ædiles, two plebeian conceded, ii. 72; election of, transferred from the curiæ to the tribes, ii. 153; two curule ædiles to be elected from the patricians, ii. 377.

Ægesta, its foundation, i. 317.

Ægestus, son of Numitor, i. 366.

L. Æmilius defeats the Etruscans, ii. 145.

Mamercus Æmilius, a Roman dictator, defeats the Veientes, ii. 275; again dictator, reduces the term of the censorship, ii. 279; a third time dictator, ii. 284.

Q. Æmilius, a consul, ii. 477.

Ænaria, named from Æneas, i. 325.

Ænea, in Macedonia, derived from Æneas, i. 308.

Æneas, legend of, treated by Bochart, i. 5; time of his landing in Latium, i. 298; his celebrity, i. 303; his parentage, *ib.*; his reign in Troy, i. 304; his treachery to the Trojans, i. 305; his flight from Troy, i. 305-7; legends respecting his voyages, i. 307; names of his wives, *ib.*, *n.* 33; he founds Ænus in Thrace, i. 308; and Ænea in Macedonia, *ib.*; he visits Delos, i. 309; and Cythera, *ib.*; he founds Pergamum, in Crete, i. 310; he visits Zacynthus, i. 310; legends connecting him with Arcadia, i. 311; he visits Leucas, i. 312; Actium, *ib.*; Ambracia, *ib.*; Buthrotum, *ib.*; Dodona, *ib.*; Anchiasmus, or Onchesmus, i. 313; reaches Italy at the Castrum Minervæ, i. 314; routes by which he reaches Drepanum, i. 315; his diversion to Carthage, *ib.*; he returns to Eryx, i. 317; his ship preserved as a relic, i. 322; his ship fabricated by Mercury, *ib.*; he sails by the promontory of Palinurus, i. 323; he passes the island of Leucosia, i. 324; Misenum,

ib.; the island of Prochyta, *ib.*; he lands at Laurentum, in Latium, i. 326, 331; he founds Lavinium, i. 335; he marries Lavinia, i. 337, 339; his death, i. 339; and apotheosis, *ib.*; his tombs, i. 340; his birth from the goddess Venus, i. 348; monuments of his presence, i. 349; he founds Rome, i. 396.

Æneas Silvius, king of Alba, i. 362.

Æneas, the tactician, his work 'On the Defence of Towns,' ii. 310.

Ænus in Thrace, derived from Æneas, i. 308.

Æolic migration, the, ii. 550.

Æquians, the, their hostilities with the Romans, ii. 108, 127, 140, 145, 157, 175, 187, 203, 254, 284-6, 363.

Æquimelium, ii. 272.

Ærarium, place of deposit for senatus-consulta, i. 142; on the Capitol, i. 148; its destruction by fire, *ib.*; its remains, i. 149.

Æschylus, his 'Persæ,' ii. 503.

Æsculapius, his statue brought to Rome, ii. 486.

Æsymneteia, a Greek office, ii. 26, 229.

Africa, visited by Greek and Trojan heroes i. 316.

Agaclytus, citation from, ii. 537.

Agathocles, on the foundation of Rome, i. 398, 399.

Agathocles, master of Sicily, ii. 440.

Agrarian laws, Roman, the first proposed, ii. 129; discussions, &c. relating to it, 136—139; agrarian law proposed, or again brought forward, ii. 151; agrarian laws, individual character of each, ii. 158 (294); an agrarian law of a novel character carried, ii. 182; delayed agrarian law again brought forward, ii. 184; agrarian system, importance of, in Rome, compared with the Greek states, ii. 293; agrarian rogation of Licinius, ii. 374, 384, &c.

Agriculture encouraged at Rome, i. 418.

Menenius Agrippa, his apologue of the Belly and Limbs, i. 257; ii. 66, 71, 80; his death, and his funeral at the public expense, ii. 85.

Agrippa, king of Alba, i. 365.

Ahala, origin of the name, ii. 271.

Ahenobarbus, origin of the name, ii. 32, *n.* 105.

Aius Locutius, temple built to, ii. 339.

Alba Longa, the metropolis of Rome, i. 267, 373; founded by Ascanius, i. 353; its wars with Rome, i. 454; its demolition by the Romans, i. 459.

Alba, an Alban king, i. 364.

Alban kingdom, its duration, i. 367; the accounts of it unhistorical, i. 369.

Alban kings, their reigns, i. 358.

Alban lake, portentous swelling of, ii. 300, 301; the story examined, ii. 311, &c.

L. Albinius conveys the Vestal Virgins, &c. to Cære, on the taking of Rome by the Gauls, ii. 327.

Albula, primitive name of the Tiber, i. 364.

Album, a whitened board, i. 155, *n.* 80.

Alcæus, ii. 552, 553.

Alcenor, an Argive champion, ii. 514.

Alcimus, on the foundation of Rome, i. 400.

Alcmæonidæ, ii. 513, 532.
Alexander of Epirus, his expedition to Italy, i. 58; ii. 435—439.
Alexander the Great, the supposed embassy of the Romans to him, i. 60; his complaint about the Italian pirates, i. 62.
Alexander Polyhistor, on the Alban kings, i. 372.
Alfius, his history of the Punic war, i. 39, *n.*, 99.
Algidus, Mount, ii. 175.
Alienus, L., a plebeian ædile, ii. 191.
Allia, battle of, ii. 324; its topography, ii. 342.
Alliensis dies, i. 101; ii. 325, 351.
Allifæ, capture of, ii. 460.
Amasis, king of Egypt, ii. 513, 518.
Ambracia, its memorials of Æneas, i. 312.
Amulius, king of Alba, i. 366; he usurps his mother's throne, i. 377.
Anarchy at Rome for five years, consequent on proposition of the Licinian rogations, ii. 374; account of it examined, ii. 378—380.
Anaxandrides, king of Sparta, ii. 513.
Anchiasmos visited by Æneas, i. 313.
Anchises, his tombs, i. 340.
Anchisia, Mount, in the territory of Mantinea, i. 311.
Anius, king of Delos, i. 309.
Anna, sister of Dido, i. 317.
Annales, meaning of the term, i. 90, 91.
Annales pontificum, i. 90, 155; also called Annales Maximi, i. 155; origin of their name, i. 156; divided into 80 books, *ib.*; kept by the Pontifex Maximus, *ib.*; their contents, i. 157; contained mention of eclipses, i. 159; citation from, in Gellius, i. 166; their destruction in the Gallic conflagration, i. 168; contained a statement on the Silvii, i. 370.
Annalis lex, i. 90.
Annalistic style, contrasted with legendary, ii. 360.
Annalists, Roman, i. 90; meaning of the term in Niebuhr, i. 92.
Annius, L., his demands on behalf of the Latins, ii. 422.
Annonæ præfectus, ii. 269.
Antenor, his treachery, i. 305.
Antias, Q. Valerius, his history of Rome, i. 25; his knowledge of the early period, i. 88.
Antiates, the, defeated by Cominius, ii. 84.
Antigonus, his probable time, i. 94; he treated the early Roman history, *ib.*; his account of the foundation of Rome, i. 401.
Antiochus, his statement respecting the Ausones and Opici, i. 129, 275, 276.
Antipater, L. Cælius, his Roman history, beginning with the Punic wars, i. 28; his account of the founder of Capua, i. 325.
Antium, stipulated for by Rome in a treaty with Carthage, ii. 3; repaired to (being then the chief city of the Volscians) by Coriolanus, ii. 105; capture of by the Romans, ii. 157.
Antonius, one of the decemviri, ii. 209.
Anxur, capture of, ii. 289; recovered by the Volscians, and recaptured, ii. 299.
Aphrodisias, origin of its name, i. 310.

Apollo, his oracle at Delphi consulted by the Romans, ii. 300, 301; colossal statue of, sent by the Carthaginians to Tyre, ii. 319.

Apollodorus, on the foundation of Rome, i. 398.

Appian, his treatment of early Roman history, i. 74; on the Alban kings, i. 361; his account of the ancient Licinian law and its revival, ii. 388—390.

Appian aqueduct, ii. 481; Appian road, *ib.*

Apulians, the, an alliance with them formed for the first time by the Romans, ii. 443.

Aquillius, consul, defeats the Hernicans, ii. 128.

Ara Maxima, its origin, i. 289.

Arcadians, their colony to Latium, i. 283.

Archias communicates to Herodotus information respecting the siege of Samos, ii. 520.

Archidamus III., his expedition to Tarentum, i. 58; ii. 434.

Archilochus, a Greek poet, mentions Gyges, king of Lydia, ii. 552.

Archo, the wife of Poris, i. 220.

Archons of Athens, ii. 548.

Ardea, besieged by Tarquinius Superbus, i. 516; refers a dispute with Aricia to the arbitration of Rome, ii. 267—269; place of refuge to Camillus, ii. 321.

Aremulus, king of Alba, i. 365; his death, *ib.*; his subaqueous palace, i. 375.

Argives and Lacedæmonians, combat between 300 champions on each side, ii. 514, 515.

Argo, its course by the western coast of Italy, i. 331.

Argolis, invasion of, by Cleomenes, ii. 517.

Argus, the hero, burning of his grove, ii. 517.

Aricia, its foundation, i. 363; refers a dispute with Ardea to the arbitration of Rome, ii. 267—269.

Arion and the Dolphin, ii. 537.

Aristodemus Malacus, history of, i. 198; he shelters Tarquinius Superbus, ii. 33; further notices of him, ii. 44, 93, 521, 523.

Aristogiton, see Harmodius.

Ariston, king of Sparta, ii. 513.

Aristotle, his account of the capture of Rome by the Gauls, i. 59; the work of marvellous stories attributed to him, contains many notices of Italy, i. 95; his account of the burning of the ships by the Trojan women, i. 320; his account of the usual mode of the rise of the Greek despots, ii. 230; an observation of his respecting revolutions, ii. 236; his statement that Rome was taken by the Celts, ii. 350.

Aristus mentions a Roman embassy to Alexander the Great, i. 60, 61.

Arnold, Dr., his History of Rome, i. 12; his censure of Polybius for ignorance of geography, i. 130; his opinion on the authenticity of the numbers of the early census, i. 175; considers the early Roman history to have been formed from family traditions and funeral orations, i. 195; his view of the narrative of the dictatorship of Cincinnatus, ii. 177; on the fall of Veii and the exploits of Camillus, ii. 320, 348; his opinion of Manlius, ii. 370.

Arrian, his account of the embassies from the western nations to Alexander the Great, i. 60; his remarks on the supposed embassy of the Romans, i. 61.

Arsia, battle of, ii. 11, and *n.* 37.
Aruns, of Clusium, ii. 322.
Arval Brothers, i. 386.
Ascanius, the son of Æneas, i. 307, 352; his reign, i. 353.
Asclepiades, mentions a Roman embassy to Alexander the Great, i. 60, 61.
Asellio, P. Sempronius, his history of his own time, i. 27; his views upon causes in history, i. 50.
Asylum of Romulus, i. 267, *n.* 3, i. 419.
Aternian law, ii. 193, 194.
Athenian history, notices of, ii. 508, &c., 548, &c.
Atinius, his dream, ii. 104.
Atossa, daughter of Cyrus, ii. 504.
Atrium Caci, i. 240.
Atrium Regium at Rome, i. 111.
T. Pomponius Atticus, his chronological work, i. 174; his account of the great Roman families, i. 191.
Atys, an Alban king, i. 364.
Aufidius, Cn., his Roman history, in the Greek language, i. 26.
Augurs, their records, i. 169.
Augury at the foundation of Rome, i. 390.
Q. Aulius, master of the horse, killed in the second Samnite war, ii. 459.
Aurunci, the, defeated by Servilius, ii. 60.
Aventine hill, fortified by Ancus Marcius, i. 466; its addition to the city, i. 544; division of, among plebeians, ii. 182, 183; occupied by the army in insurrection, ii. 212.
Aventinus, king of Alba, i. 366.

Bachofen, see Gerlach.
Baiæ, its name connected with Æneas, i. 325.
Bail, first instance at Rome of a person accused of a public crime being admitted to it, ii. 164, *n.* 4.
Banier, Abbé, on the interpretation of mythology, i. 345.
Beaufort, Louis de, his Dissertation on the uncertainty of the early Roman History, i. 6; considers the early Roman history to have been chiefly derived from the memoirs of the great families, i. 195; his view of the supposed victory of Camillus, ii. 348.
Becker, his work on Roman Antiquities, i. 12; thinks that the laws of the Twelve Tables were destroyed at the Gallic conflagration, i. 158.
Bellovesus and Sigovesus, their migration in the time of Tarquinius Priscus, i. 479.
Bias of Priene, his advice to the Ionians, ii. 525.
Bochart, on the legend of Æneas, i. 5.
Bolæ, capture of, ii. 294.
Bosporus, Thracian, bridge made across it by order of Darius, ii. 505.
Brazen statue, the earliest made at Rome, ii. 135.
Brennus, king of the Gauls, at the capture of Rome, his reported exclamation of *Væ victis!* ii. 333, 346.

L. Junius Brutus, his statue on the Capitol, i. 107; his relationship to the Tarquins, i. 517; his visit to Delphi, i. 518; he induces the people to banish the Tarquins, i. 519; he is created consul, *ib.*; condemns, and witnesses the execution of, his two sons, for conspiring to restore the Tarquins, ii. 6; his death in single combat with Aruns Tarquin, his body honourably carried to Rome, a funeral oration delivered over it by his colleague, and a year's mourning of matrons for him, ii. 11.

Buildings, subaqueous, i. 365.

Bulla aurea, its origin, i. 473.

Burial, intramural, allowed to Valerius Publicola and his descendants, contrary to usual Roman practice, ii. 22.

Burning of the ships by the Trojan women, i. 319.

Burning of nine tribunes, ii. 139.

Busta Gallica, origin of the name, ii. 332.

Buthrotum, visited by Æneas, i. 312.

Cacius, i. 240.

Cacus, his slaughter by Hercules, i. 289, 290.

Cæcilius, his comedy, i. 232.

Cædicius and the Romans in Veii appoint Camillus dictator, ii. 330.

Cælian hill, i. 428; its addition to Rome, i. 544.

Cælius comes to Rome in the time of Romulus, i. 422; or in the time of Servius Tullius, i. 508.

Cære, place of refuge to the Vestal Virgins on the capture of Rome, ii. 327. Cærite franchise, ii. 337.

Cæsar, C. Julius, his historical works, i. 26; his statue placed near those of the kings, i. 107; wore the dress of the Alban kings, i. 374.

Cæsar, C. Augustus, his autobiography, i. 43; he called Livy a Pompeian, i. 44.

Caieta, the scene of the burning of the Trojan ships, i. 322; named from the nurse of Æneas, i. 326; from the Argo, i. 331.

Callias, on the foundation of Rome, i. 397.

Callimachus, on the foundation of Ænus, i. 309.

Cambyses, ii. 519.

Camers, the ancient name of Clusium, ii. 406.

Camillus, L. Furius, appointed dictator, ii. 202; his vow of a tenth of the spoils of Veii to Apollo, ii. 303; his triumph for the taking of Veii, ii. 304; his vow, how performed, ii. 304, 305; his treatment of the treacherous schoolmaster of Falerii, ii. 306; his exile, ii. 317, 321; examination of his history as so far related, ii. 316—318; is appointed dictator on the capture of Rome by the Gauls, ii. 330; he defeats the Gauls, ii. 333, &c.; after destroying them, attends to reparation of temples, &c., ii. 339; receives the title of second founder of Rome from his share in the rebuilding of the city, ii. 340; observations on this part of his history, ii. 344, 346—349; is again appointed dictator, and defeats the Volscians, ii. 363, 365; is appointed dictator on the disturbance connected with the Licinian rogations, but soon abdicates, ii. 375; is again appointed dictator on account of an invasion of the Gauls, ii. 376 (whom he defeats, 400); his death, ii. 399.

Campanians, the, take Cumæ from the Greeks, ii. 283; put themselves under the protection of Rome when hard pressed by the Samnites, ii. 411.

Campus Martius, ii. 7, 10.

Canuleius, a tribune, proposes a law permitting the intermarriages of patricians and plebeians, ii. 255.

Capenates, the, send succours to Veii, ii, 299.

Capetus, king of Alba, i. 364.

Caphyre, founded by Æneas, i. 311.

Capitol, place of deposit for archives, i. 146, 148; struck by lightning, i. 150; its siege by the Gauls, i. 151; ii. 324, &c.; occupied by the army of Hercules, i. 288; seizure of, by Herdonius, ii. 173, 174.

Capua, founded by Capys, i. 325; its foundation legends, *ib.*; is taken by the Samnites from the Etruscans, ii. 283.

Capys, king of Alba, i. 364.

Carmen, sometimes means a form of words, i. 224.

Carmenta, the mother of Evander, i. 284.

Carthage, visited by Æneas, i. 315; first treaty between Carthage and Rome, ii. 3; some other treaties between them, ii. 409.

Carthaginians, the, first sent an army to Sicily, 431 B.C., ii. 282.

Sp. Carvilius, a consul, triumphs for victory over the Samnites, ii. 470.

Casa Romuli, i. 238, 239; ii. 355.

Casci, origin of the name, i. 280, *n.* 43.

Sp. Cassius, his treaty with the Latin cities, i. 145; inscription on his statue, i. 147; is master of the horse to the first dictator, ii. 26; elected a consul by the people at the time of the first secession, ii. 67; dedicates a temple to Ceres, Liber, and Libera, ii. 85; concludes a treaty with the Latins, *ib.*; in a subsequent consulship proposes the first agrarian law, ii. 129; is accused of aiming at regal power, and put to death, ii. 132—135.

Castrum Minervæ, in Iapygia, visited by Æneas, i. 314.

Cato, M. Porcius, his 'Origines,' i. 34; his orations, i. 48; he first wrote a history of Rome in Latin, i. 86; his study of Greek literature, *ib.*, *n.* 35; his means of knowledge respecting early Roman history, i. 87; how far his 'Origines' contained an account of ancient Italian ethnology, i. 128; his account of the contents of the Pontifical annals, i. 157; his account of the Roman custom of singing the praises of celebrated men at banquets, i. 203; his account of Troy, founded by Æneas, i. 332; of the wars of Æneas in Latium, i. 338.

Catrou and Rouillé, their Roman history, i. 3.

Catulus, Q. Lutatius, his work on his own consulship, i. 23.

Caudine Pass, the, disastrous surrender of a Roman army at, ii. 445—447; examination of history of the disaster, and of its consequences, ii. 448—458.

Caudine surrender, memory of it, i. 118; ii. 458.

Cecrops I., king of Athens, ii. 548.

Celer, he slays Remus, i. 391.

Celeres, the body-guard of Romulus, i. 414.

Censors, their official documents, i. 136; records of the census, their destruction by fire, i. 150; their registers, carefully preserved, i. 174; extract from the censorial records in Varro, i. 175; creation of the censorship, ii. 265; the term of it reduced, ii. 279; a law providing that one of the censors at least should be a plebeian, ii. 433.

Census of king Servius, i. 175; census, according to the Servian law, instituted by Valerius and Lucretius, consuls, ii. 13; Servian census

enforced by Larcius, dictator, ii. 26; the due holding of the census the cause for the appointment of censors, ii. 265.

Centuries, voting by, gives preponderance to the wealthier citizens; tribes, voting by, to a simple majority of the people, ii. 100.

Centurion, aged, oppressed by a merciless creditor, story of an, ii. 59.

Cephalon of Gergis, his account of the migration of Æneas to Thrace, i. 308; on the foundation of Rome, i. 399.

Cethegus, M. Cornelius, the earliest Roman distinguished for eloquence, i. 48.

Chariot of clay, ominous swelling of a, ii. 16.

Charisius, his fragment on the Saturnian metre, i. 242.

Charon of Lampsacus, appears to have been the first Greek writer of contemporary history, ii. 494, 495; his chronological work on the kings of Sparta, ii. 546.

Charondas, the lawgiver of Catana in Sicily, ii. 222.

Chief magistrates, discrepancies concerning their identity show want of contemporary records, ii. 280.

Chromius, an Argive champion, ii. 514.

Chronicles of foreign states, as sources of Roman history, i. 197.

Cicero, C. Claudius, a tribune of the plebs, ii. 191.

Cicero, M. Tullius, his writings illustrative of contemporary Roman history, i. 21; his writings on early Roman history, i. 75; his alleged ignorance of the ancient constitution, i. 132; his account of the early Roman historians, i. 40, 97; his account of the Pontifical annals, i. 157; his account of an eclipse mentioned by Ennius, i. 159; on the mendacity of funeral panegyrics, i. 188; his views on the imitation of Greek models, i. 234; and on the early Roman literature, *ib.*; on the election of Servius Tullius, i. 487; on the classes of Servius, i. 491; his dialogue 'De Claris Oratoribus,' ii. 80; he distinguishes between the tables of the first, and those of the second, decemvirs, ii. 202, 221, 249.

Cinæthium, in Laconia, named after a companion of Æneas, i. 309.

Cincinnatus, L. Quinctius, called to the dictatorship while at plough, ii. 176; conquers the Æquians, triumphs, and abdicates, *ib.*; the credibility of the narrative considered, ii. 177, &c.; appointed dictator at eighty years of age, on occasion of the alleged treason of Mælius, ii. 270.

Cincinnatus, T. Quinctius, dictator, subdues the Prænestines, ii. 372.

L. Cincius Alimentus, his Roman history, i. 36; his family and life, i. 78; he wrote in Greek, i. 79, 82; the object of his history, *ib.*; his share in public affairs, i. 81; his diligence, i. 85; his account of the pre-eminence of Alba, i. 131; on Tarpeia, i. 423; his version of the story of the death of Mælius, ii. 271.

Cineas, his conversation with Pyrrhus, i. 66.

Circe, placed on the coast of Latium, i. 328.

Circeii, its foundation, i. 515; stipulated for, in treaty with Carthage, by Rome, ii. 3; submits to Coriolanus, ii. 107.

Claudian house, origin of, ii. 21.

Appius Claudius the first, dedicated shields with portraits of his ancestors, i. 183, *n.* 18; originally a Sabine, named Attus Clausus, ii. 21.

Appius Claudius, son of the preceding, his death, difficulties attending the account of it, ii. 155, 156.

Appius Claudius, grandson of Appius Claudius the first, one of the first decemvirate, ii. 197; of the second, ii. 200; his attempt upon the chastity of Virginia, and the consequences; the fall of the decemvirate, and his own death, ii. 207—216; examination of the account given us of his person and conduct, ii. 224—229, 237, 238.

C. Claudius, uncle of the decemvir, ii. 204, 224, 256, 257.

M. Claudius, a client of the decemvir, employed by him in his attempt upon Virginia, ii. 207, &c.

Appius Claudius Cæcus, his speech on the embassy of Cineas, i. 179; inscription to his memory, i. 187; his important censorship, ii. 481; his blindness, ii. 482, 483.

Claudius, the emperor, his speech preserved at Lyons, i. 201.

Cleomenes I., king of Sparta, ii. 517.

Cleonymus, his expedition to Italy, i. 58; ii. 439.

Cleopatra, her suicide, i. 220.

Cleopatra, daughter of Philip of Macedon, ii. 436.

Clinias, on the foundation of Rome, i. 400.

Clisthenes, of Athens, reforms of, ii. 221.

Clitarchus, his account of the embassy of the Romans to Alexander the Great, i. 60, 61.

Clodius, his work on chronology, i. 152.

Cloelia, swims across the Tiber, ii. 19.

Q. Cloelius, consul, declares his colleague dictator, ii. 25.

Cluilius, king, or dictator, of Alba, i. 454.

Clusium, attacked by the Gauls, ii. 323; desertion of, by the other Etruscan cities, and embassy from, to Rome, *ib.* this account examined, ii. 341.

Cluverius, his views on early Roman history, i. 4.

Clypei, Roman, whence derived, when given up for *scuta*, ii. 432.

Cocalus, his daughters killed Minos, i. 276, *n.*

Horatius Cocles, his statue, i. 166; his celebrated exploit, ii. 14.

Codrus, last king of Athens, ii. 548.

Collatia, its capture by the Romans, i. 473.

L. Tarquinius Collatinus, one of the first two consuls, accused of sympathy with the Tarquinian cause, his exile, ii. 6, 7, 8.

Colonial system of Rome, its origin, i. 415.

Colonies *ex secessione*, ii. 65; Roman *coloniæ*, in the technical sense, what distinctively, *ib.*, *n.* 207.

Columna rostrata, overthrown by lightning, i. 151.

Cominius, Pontius, bringing a message to the Romans besieged in the Capitol, swims the Tiber, ii. 330.

P. Cominius, a consul, takes Corioli, ii. 84.

Comitia curiata, and comitia tributa, ii. 152, 275.

Comitium, origin of the name, i. 427.

Commentarii censorum, i. 136; pontificum, i. 169; meaning of the word commentarius, i. 169, *n.* 124.

Compitalia, instituted by Servius Tullius, i. 487.

Concord, temple of, ii. 377.

Consualia, festival of, identified with an Arcadian festival, i. 287; its origin, i. 420; its institution ascribed to Romulus, *ib.*

Consuls, establishment of their office, ii. 2; eligibility of plebeians for the consulship proposed, ii. 255; first plebeian consul appointed, 366 B.C., ii. 262, 376.

Corinth, a portion of the history of, ii. 533—537.

Coriolanus, C. Marcius, his first military service, ii. 30, *n.* 104; distinguishes himself at the taking of Corioli, ii. 84; sustains a repulse for the consulship, advocates the keeping up the price of corn, popular indignation and proceedings against him, his exile, ii. 97—103; excites the Volscians against Rome, and is made, with Tullus for his colleague, general of the Volscian army, ii. 105—107; his hostilities against the Romans, ii. 107—109; raises the siege of Rome at the entreaties of an embassy of Roman matrons headed by his mother and wife, ii. 110, 111; is put to death at the instigation of Tullus, ii. 111; comparison of different accounts of various particulars respecting him, ii. 113—116; review of his history, ii. 116—129.

Corn, scarcities of, at Rome, ii. 15, 92, 269.

Cornelia, a matron guilty of poisoning, ii. 485.

A. Cornelius Cossus, military tribune, or consul? kills Tolumnius, king of the Veientes, thus gaining the second *spolia opima*, ii. 275—278.

C. Cornelius Arvina, a dictator, in the second Samnite war, ii. 445.

M. Cornelius, a decemvir, ii. 205.

Corsica, a Roman expedition to, with the purpose of founding a city, ii. 487.

M. Valerius Corvus, his cognomen, how obtained, ii. 402, 407; he defeats the Samnites, ii. 412; appointed dictator, quells a mutiny, ii. 417.

Corssen, on the songs at Roman banquets, i. 205.

M. Crassus takes 2000 pounds of gold from the temple of Jupiter Capitolinus, ii. 336, 352.

Crater, golden, sent by the Romans as an offering to Delphi, ii. 305.

Cremera, the, catastrophe at, ii. 146.

Crœsus, king of Lydia, ii. 524.

Crustumerium, its foundation, i. 363.

Cumæ, histories of, i. 198, 396; the place of refuge of the Tarquins, ii. 93; interesting chapter in its history, ii. 521—523 (referred to, ii. 20, 44,).

Curia Hostilia, i. 110.

Curiatii, the three, i. 455; their combat with the Horatii, *ib.*

Curtian lake, different accounts of the origin of its name, i. 425; ii. 410.

Cylon, memory of his attempt, i. 100; ii. 532.

Cypselus, his time, i. 470; origin of his name, i. 478; ii. 533.

Cyrus, king of Persia, ii. 515, 524; his life by Xenophon, a political romance, ii. 525—529.

Damastes mentions the Trojan matron Romè, i. 63.

Darius, king of Persia, ii. 503; his Scythian expedition, ii. 504—508.

Debts, disturbances, &c., in relation to, at Rome, ii. 57, 64, 85, &c.; 372, 374, &c.; 479.

Debts, general remission of, at Athens, by Solon, ii. 86.

Decemviral laws, their preservation, i. 112.

Decemviri, election of the first Decemvirate, ii. 196, 197; they exercise their power with sobriety and moderation, ii. 198, 199; election of the second Decemvirate, 199—201; their arbitrary and tyrannical

government, 201, &c.; their final overthrow, 213, 214; examination of the extant account of the Decemvirate, 216—252.—See also *Appius Claudius, Siccius, Twelve Tables, Virginius.*

Decius the younger, devotes himself to death at the battle of Sentinum, ii. 403, 404.

P. Decius Mus, devotes himself to death at the battle of Veseris, ii. 425.

Deioces, account by Herodotus of his making himself king of the Medes, a political romance, ii. 529.

Delphi, oracle at, consulted by the Romans, ii. 300, 301; temple at, burning and rebuilding of, ii. 513; oracle at, consulted by Crœsus, ii. 525.

Demaratus, his migration from Corinth to Tarquinii, i. 470.

Demaratus, king of Sparta, is deposed, and withdraws to the court of Persia, ii. 517.

Demetrius Poliorcetes, his message to the Romans, i. 58.

Manius Curius Dentatus, consul, with his colleague P. Cornelius Rufinus, ends the third Samnite war, ii. 473.

Dicæarchus, his work on the Spartan constitution, ii. 544.

Dictator, first appointment of a, at Rome, ii. 25; origin and nature of his office considered, ii. 46—49; first plebeian dictator appointed, 356 B.C., ii. 397.

Dido, visit of Æneas to, i. 315; unknown to the Greek writers, *ib.*

Dio Cassius, on the freedom of history under the republic, i. 53, *n.* 137; his treatment of early Roman history, i. 74; his knowledge of the ancient constitution, i. 122; on the Alban kings, i. 361.

Diocles of Peparethus, unknown to Dionysius, i. 96; his date and his account of the foundation of Rome, i. 408.

Diodorus, mentions the embassies of the Western nations to Alexander the Great, i. 61; his authorities for Sicilian history, i. 69; his notices of Roman history, i. 73; his knowledge of the Latin language, i. 74; his date of the foundation of Rome, i. 367; the catastrophe of Cremera the first event in Roman history after the time of the kings noticed by him, ii. 147; his narrative of the capture of Rome by the Gauls unusually copious, ii. 347.

Dionysius of Chalcis, on the foundation of Rome, i. 400.

Dionysius of Halicarnassus, his character of the early Roman historians, i. 42; plan and contents of his history, i. 71; he continues the history of Polybius, i. 72; his remarks on the Roman funeral orations, i. 182; his account of the songs relative to Romulus and Remus, i. 210; distribution of his history, i. 245; groundwork of his narrative, *ib.*; his speeches, i. 246; his account of the Aborigines, i. 279; on the dispersion of the Pelasgians, i. 281; on the Tyrrhenians, i. 282; on Lupercal and the Lupercalia, i. 287; on the expedition of Hercules to the West, i. 288; his account of the burning of the ships by the Trojan women, i. 321; on the tombs of Æneas, i. 340; on the expedition of Æneas to Latium, i. 344; his date of the foundation of Rome, i. 367; on the Roman religion, i. 416; on the classes of Servius Tullius, i. 489; his view of the regal form of government, i. 541; summaries of the accounts given by him and by Livy of the first fourteen years of the Roman commonwealth, ii. 52—54; the discrepancies in which show the absence of authentic annals, ii 54; he carefully marks the synchronism of Roman and Greek history, ii. 55; is in general much fuller than Livy, ii. 61; his copious narrative of the secession to the Mons Sacer could not have been written from

authentic materials, ii. 73—84; his notice of mistakes of some Roman historians concerning the period of the despotism of Dionysius the elder, ii. 94, 95; summary of chronological discrepancies between him and Livy relating to the history of Coriolanus, inconsistent with the preservation of authentic Fasti, ii. 116; his copious narrative of the events of 455 B.C., ii. 184—191; what dependence to be placed on it? ii. 192, 193; his description of the early Greek historians, ii. 498; his account of the early Roman historians not unlike it in regard to the sources of their materials, *ib.* and 499 (i. 89, *n.* 39,).

Dioscuri, the, apparition of, at the battle of the lake Regillus, ii. 30, 31; belief as to their appearance at battles, of Grecian origin, ii. 49.

Dius Fidius, a temple consecrated to him on the Quirinal hill, ii. 161.

Dodona, visited by Æneas, i. 312.

Doliola, ii. 327, 328.

Dorians, settlement of, in the Peloponnesus, ii. 547.

Draco, the Athenian legislator, ii. 532.

Drusus, Claudius, aimed at royalty, i. 106, *n.* 24.

Duilian inscription, i. 148.

Duilius, a tribune of the people, his moderation and firmness, ii. 253.

Duris, of Samos, his history of Agathocles, ii. 468.

Eagles, near Rome, i. 516.

Eating of their tables by the Trojans, i. 332.

Echard, Lawrence, on early Roman history, i. 2.

Eclipses, registered in the Annales Maximi, i. 159; their importance as omens, *ib.*, *n.* 94.

Egeria, i. 110; her colloquies with Numa, i. 447.

Egeria Vallis, i. 110.

Aruns Tarquinius Egerius, i. 473.

Gellius Egnatius, the Samnite general, killed at the battle of Sentinum, ii. 467.

Elyma, its foundation, i. 317.

Elymi, their migration to Sicily, i. 274.

Ennius, his Annales, i. 54; his account of an eclipse in 350 U.C., i. 159; his reference to the poem of Nævius on the first Punic war, i. 207; his poetical character, i. 232.

Ephors, a Spartan magistracy, ii. 544.

Ephorus, his history, ii. 540.

Epicadus, completed the memoirs of Sylla, i. 23.

Epicharmus, his prose discourse to Antenor, i. 64, *n.* 177.

Epirus, kings of, ii. 435, *n.* 70.

Eratosthenes, on the foundation of Rome, i. 400.

Eryx, visited by Æneas, i. 317.

Eryx, a son of Venus, i. 317.

Esquiline hill, its addition to the city, i. 544.

Ethnology, Italian, how far preserved by tradition, i. 127; its uncertainty, i. 294.

Etis, origin of its name, i. 310.

Etruscans, their literature, i. 199; their histories, i. 200; their national origin, i. 282.

Etruscan soothsayers, claimed a peculiar skill in the interpretation of lightning, ii. 143.
Euphorion, on the foundation of Ænus, i. 309.
Europe, modern, intimate connexion of, with ancient Rome, ii. 555.
Eurylcon, son of Æneas, i. 352.
Eutropius, his Roman history, i. 73.
Evander, the leader of a colony from Arcadia to Italy, i. 283; his mythical character, i. 286.
Evidence, external, its importance in history, i. 13—18.

Fabii, their derivation from Hercules, i. 293, *n.* 93. Fabii, the, 300; their expedition to the Cremera, and catastrophe, ii. 144—147; the narrative how far to be considered historical? ii. 147—149.
Fabius Maximus, Cunctator, his funeral oration on his son, i. 179.
M. Fabius, Pontifex Maximus, devotes the aged senators to death on the capture of Rome by the Gauls, ii. 328.
C. Fabius Dorso, goes forth from the capitol besieged by the Gauls, and offers a family sacrifice, ii. 329.
M. Fabius Ambustus, story of the two Fabiæ, his daughters, in its alleged connexion with the bringing forward of the Licinian rogations, ii. 373, 374; credibility of it examined, ii. 377, 378.
Q. Fabius Maximus Rullianus, master of the horse to L. Papirius Cursor, dictator, condemned by him for fighting without orders, but rescued by the soldiers, ii. 443; his victory over the Samnites at the battle of Sentinum, ii. 467; acts as lieutenant to his son, and defeats C. Pontius, the Samnite commander, ii. 472; his censorship, in which he gains the surname of Maximus, ii. 484.
Q. Fabius Gurges, son of the preceding, defeated by the Samnites, ii. 472.
Fall of stones, in the reign of Tullus Hostilius, i. 164.
Fannius, C., his Roman history, i. 29.
Fasces, derived from the kings, an emblem of supreme power, i. 104; division of them between the consuls variously represented, ii. 2; lowered to an assembly of the people by Valerius, ii. 12; custom introduced by him that the consul should take the axes out of them in the city, *ib.*; the axes resumed by Larcius, dictator, ii. 26; the fasces borne in turns before the members of the first decemvirate, ii. 198; but before the members of the second simultaneously, ii. 201.
Fasti Capitolini, i. 173.
Fasti compiled by M. Fulvius Nobilior, i. 173.
Fatua, wife of Faunus, i. 209.
Fauns, their verses, i. 207; they were native Italian deities, i. 208.
Faunus, his oracle, i. 208; king of the Aborigines, i. 284, 298.
Faustulus, i. 384, 385, 387, 388; his death, i. 391.
Februarius, singular story of, intended to explain the shortness of the month February, ii. 399, *n.* 105.
Feciales, their institution, i. 466.
Ferguson, his Roman history, i. 9.
Feriæ Latinæ, a third day added to the, in commemoration of the return of the plebs after the secession to the Mons Sacer, ii. 72.
Ficus Ruminalis, i. 382, *n.* 89.

Fidenæ, a Roman colony, revolts to the Veientes, ii. 275; is taken by A. Servilius, ii. 278.
L. Tarutius Firmanus, cast the horoscope of Rome, i. 393.
C. Valerius Flaccus, his claim to sit in the senate, i. 117.
Flamen of Quirinus, the, and the Vestal Virgins, bury some of the sacred objects on the capture of Rome by the Gauls, ii. 327.
Flavius, Cn., published the calendar of days for legal proceedings, i. 135, 171; ii. 481, 482; his inscription on a chapel near the comitium, i. 177, *n.* 155.
Florus, his Roman history, i. 73.
Fortuna Muliebris, a temple built to, at the public expense, ii. 112.
Fortune, worshipped by the Romans under a great variety of epithets, ii. 123.
Fossa Cluilia, i. 454.
Fossa Quiritium, i. 467.
Fregellæ, establishment of a Roman colony at, complained of by the Samnites, ii. 442.
Frontinus, his military anecdotes on early Roman history, i. 75.
Fucine lake, ii. 313.
Mettius Fuffetius, his election as dictator of Alba, i. 454; his treachery and death, i. 458.
Funeral orations at Athens, i. 180; at Rome, i. 181; on Roman matrons, their origin, i. 183; ii. 305.

Gabii, its foundation, i. 363; the place in which Romulus and Remus were educated, i. 386; it is besieged by Tarquinius Superbus, i. 513; it is taken by the stratagem of Sextus Tarquinius, *ib.*; its treaty with Rome, inscribed on a wooden shield, i. 143, 514.
Gaia Cæcilia, her statue, i. 108, *n.* 32.
Gallic wars, ii. 399—403; examination of accounts of, ii. 404—408.
Gallic *tumults*, much dreaded at Rome, ii. 400, and *n.* 107.
Gaul, Trojan settlers in, i. 327.
Gauls, their migrations in the time of Tarquinius Priscus, i. 479—481; their first war with the Romans, their capture and conflagration of Rome, (i. 151;) ii. 322—339; examination of extant accounts of this part of the history, 340—356.
Gegania, second wife of Tarquinius Priscus, i. 485.
L. Geganius, sent as one of the envoys to Sicily to procure corn, ii. 94.
Geese, sacred, of Juno, their alarm of the garrison in the capitol, ii. 331; recognised by the belief of later times, ii. 345; customs in commemoration of it, *ib.*
Gellius, Cn., his Roman history, i. 28; his knowledge of the early period, i. 88; on the rape of the Sabines, i. 420.
Gellius, Aulus, mentions a memoir of the Porcian family, i. 191.
Gelon, Sicilian despot, i. 94.
Genucius, a tribune of the people, proposes (or revives the question of) an agrarian law, ii. 151; his death, *ib.*
T. Genucius, a decemvir, ii. 197.
Georgius Syncellus, on the Alban kings, i. 361.
Gerlach and Bachofen, their history of Rome, i. 12; their view of the

statement of Cincius respecting Alba, i. 131; on the historical character of the accounts of the Alban kingdom, i. 370.

Geryones, oxen of, i. 289—292.

Glabrio, C. Acilius, his history of Rome in Greek, i. 33.

Governments, constant tendencies in forms of, not to be inferred from single instances, ii. 57, (and *n.* 185,) 58.

Governments, mixed, the doctrine of, probably originated in the school of Plato, ii. 100, *n.* 25.

Tib. Gracchus, procures re-enactment of the agrarian law of Licinius, ii. 388.

Greeks, their ignorance of Rome in early times, i. 59, 63, 64.

Greek fleet on the coast of Campania, i. 63; ii. 408.

Greek history, memory of certain events in, kept up by adventures which befel works of art connected with them, ii. 319; commencement of age of contemporary Greek history, ii. 494; difference between the origins of Greek and of Roman history, i. 97; ii. 497; commencement of a connected account of the affairs of the principal Greek states, ii. 551.

Greek laws, embassy from Rome to inquire concerning, ii. 195, 196.

Greek despots, rise of, ii. 230.

Greek expeditions to Italy, ii. 434—441.

Greeks, Asiatic, the, subjugated by the kings of Lydia and Persia, ii. 524.

Greek colonies, little means of judging concerning the authenticity of the dates given for their foundation, ii. 550; their foundation legends mostly fabulous, *ib.*

Greek poets, a long series of, antecedent to the commencement of Roman literature, ii. 552.

Gregory the Great, i. 264, *n.* 47.

Goettling thinks that the Annales Maximi were not preserved for the period before the burning of the city, i. 158.

Grote, Mr., on the Trojan war, i. 301; remarks the connexion of most of the splendid phænomena of Grecian history with the dependence in which the Asiatic Greeks were held by the inland barbaric powers, ii. 525; remarks that the Attic orators sometimes confound Solonian and post-Solonian Athens, ii. 530, 531; notes the return of the Heraclidæ as the epoch of transition from mythical to historical Greece, ii. 547.

Gyges, king of Lydia, ii. 524.

Hadrian, the emperor, his remark on the difficulty of proof of treason, ii. 371.

Hannibal, his knowledge of Greek, i. 78, *n.* 16.

Harmodius and Aristogiton, statues of, carried off by Xerxes, and sent back by Alexander, ii. 319; their celebrated attempt, ii. 509.

Hecatæus, his mention of towns in Italy, i. 63; notice of his writings, ii. 495.

Hegesippus, his account of the migration of Æneas to Thrace, i. 308.

Helenus, his meeting with Æneas, i. 313.

Hellanicus, mentions the Trojan matron Romè, i. 63; his account of Italian expeditions to Sicily, i. 274; his explanation of the name Italy, i. 278; his account of the flight of Æneas from Troy to Pallene, i. 306; his account of the foundation of Rome, i. 314, 330, 396; wrote near the commencement of contemporary Greek history, ii. 494; his

relation to the history of the epoch of the Ionic revolt and the Persian war, ii. 502.
Helots, alleged derivation of their name, ii. 544.
Hemina, L. Cassius, his Roman history, i. 30; his knowledge of the early period, i. 88.
Heraclidæ, return of the, ii. 547.
Heraclides Ponticus, his mention of the capture of Rome by the Gauls, i. 59; ii. 350.
Heraclides Lembus, on the burning of the Trojan ships, i. 321; on the foundation of Rome, i. 397.
Hercules, his expedition to the West, i. 288; his settlement near the Palatine hill, *ib.*; different versions of the story of his passage through Italy, i. 289.
Turnus Herdonius, i. 511.
Herdonius, a Sabine, seizes the capitol, ii. 173, 174.
Herennius, his advice to his son Pontius, the Samnite general, ii. 456.
Hermippus, a biographical writer, ii. 510.
Hermodorus of Ephesus, said to have advised the decemvirs in the enactment of the Twelve Tables, ii. 222.
Herodotus, wrote near the commencement of Greek contemporary history, ii. 494; six years old when the last event related in his history took place, ii. 501.
Hernicans, the, mulcted of part of their territory, ii. 128.
Hersilia, i. 420, 426, 453.
Hesiod, verse of, translated in the Annales Maximi, i. 167.
Hieronymus of Cardia, his account of the Italian campaign of Pyrrhus, i. 65; his treatment of the early Roman history, i. 94.
Hipparchus, younger brother of Hippias, his death, ii. 509.
Hippias, despot of Athens, his ejection, ii. 509.
Historians, early, of Rome, their dry and jejune style, i. 40; their sufficiency as historical witnesses, i. 42, 50; their high social position, i. 43; they took notice of prodigies, i. 50; they framed the history of the first four and a half centuries of Rome, i. 94.
Historiography, Roman, had originally an official character, i. 97; Greek, originated with private writers, *ib.*
History, constitutional, its propagation by oral tradition, i. 113—127; its connexion with events, i. 126; ii. 282.
Hooke, his Roman history, i. 3; he controverts the views of Beaufort, i. 9; his account of the derivation of the early Roman history from family memorials and funeral orations, i. 193, 194; makes no mention of poems among the sources of early Roman history, i. 202; on the settlement of Æneas in Latium, i. 345; his view of the death of Sp. Cassius, ii. 136; of the account of Kæso Quinctius, ii. 168; of the case of Manlius, and of his relation to Camillus, ii. 369.
Horace, his allusion to the custom of singing the exploits of brave men at banquets, i. 204.
Horatia, slain by her brother, i. 456; her tomb, *ib.*
Horatii, the three, i. 455; their combat with the Curiatii, *ib.*
M. Horatius, an opponent of the decemvirs, ii. 204, 213.
Tullus Hostilius, third king of Rome, his election, i. 453; his war with

Alba, i. 454; his demolition of Alba, i. 458; his war with the Latins, i. 460; his death, *ib.*; character of the history of his reign, i. 461.
Hostius, his poem on the Istrian war, i. 55.
L. Hostius, the first parricide at Rome, i. 418.
Howel, Dr., on early Roman history, i. 2.
Human sacrifices, ii. 430, *n.* 53.

Icilius, the betrothed husband of Virginia, ii. 208, 212, 215.
Ilia, daughter of Numitor, i. 366.
Ilienses, in Sardinia, i. 327.
Indian history, its sources, i. 244.
Inscription on a linen breast-plate, in the temple of Jupiter Feretrius, i. 147; inscription commemorative of the victory of T. Quintius Cincinnatus, i. 148; Duilian inscription, *ib.*
Insignia of Roman kings, their origin, i. 472.
Instauratitius dies, ii. 105.
Institutional legends, ii. 46.
Insula Tiberina, ii. 10; a fane erected in it to Æsculapius, ii. 486.
Interest on money, alleged prohibition of, ii. 417.
Interregnum, after the death of Romulus, i. 442.
Interrex, Roman, a reminiscence of the regal period, i. 102; nature of the institution under the kings, i. 442.
Ionic revolt, ii. 501.
Ionic migration, ii. 550.
Iphigenia, sacrifice of, ii. 243.
Isocrates, his 'Archidamus,' ii. 539.
Italia, extension of the name, i. 272; various origins of the name, i. 278.
Italus, king of the Œnotri, i. 276; other accounts respecting him, i. 278; he is supposed to migrate from Sicily to Italy, i. 279.
Iulus, the son of Æneas, i. 352; the son of Ascanius, i. 357.

Janiculum, fortified by Ancus Marcius, i. 467, 545; occupied by the Veientes, ii. 150; and recovered, *ib.*
Johannes Lydus, his allusions to early Roman history, i. 76.
Johannes Malalas, on the Alban kingdom, i. 368.
Josephus, his remarks on the recency of history, and absence of authoritative public registration, in Greece, ii. 496, 497.
Juba, his Roman history, i. 31.
C. Julius, a decemvir, accuses a patrician before the people, ii. 198.
L. Junius, (assuming the additional name of Brutus,) leader of the secession to the Mons Sacer, ii. 69, &c.; appointed one of the first tribunes of the people, ii. 72.
Juno, statue of, transported from Veii to Rome, ii. 304; temple to Juno Regina founded by Camillus, *ib.*
Juno Moneta, temple of, built on the site of the house of Manlius, ii. 367, 410.
Jupiter Capitolinus, temple of, its foundation legend, i. 474; its erection by Tarquinius Superbus, i. 512; its dedication by the consul Horatius, ii. 13.

Jupiter Stator, his temple, i. 426; a temple vowed to him by Atilius, ii. 469.
Jupiter of Terrors, memorial altar erected to him on the Mons Sacer, ii. 72.
Jupiter Feretrius, temple of, ii. 276.
Jupiter Pistor, and Jupiter Soter, altars of, why so named, ii. 332.
Jupiter Imperator, statue of, brought from Præneste to Rome, ii. 372.
Jupiter, a large statue of, on the Capitol, described as dedicated from the cuirasses, &c., of the sacred Samnite band, ii. 470.
Jus civile Flavianum, ii. 482.
Jus civile Papirianum, i. 142.

Kæso Fabius, accuses Sp. Cassius, (of aiming at royalty,) ii. 132; consequently unpopular, and not supported by his army, ii. 142; leader (according to Livy) of the Fabii to the Cremera, ii. 144.
Kæso Quinctius, son of L. Q. Cincinnatus, falsely accused of a brutal homicide, goes into exile, ii. 167.
King of the sacrifices, i. 105.
King, institution of a, by the Veientes, disliked by the other Etruscans? ii. 297.
Kings, Roman, memory of them, i. 102; their insignia transferred to the high Roman magistrates, i. 103; hatred of kings under the republic, i. 106; ii. 5; statues of the Seven kings in the Capitol, i. 107; their insignia, i. 472; character of their history, i. 526; their names, i. 530; form of their government, i. 531; proceedings in their election, i. 532; traces of a hereditary right of succession, i. 533; their limited powers, i. 534.

Lacedæmonians, their custom of wearing long hair, origin of, ii. 515; alliance between them and Crœsus, ii. 525; they discouraged literature, therefore had no native historians, ii. 544; their kings, beginning of contemporary registration of their names and length of their reigns, not to be certainly determined, ii. 545.
Læstrygones, placed at Formiæ, i. 328.
M. Lætorius, a centurion, appointed by the people to dedicate a temple of Mercury, ii. 61.
Landowners of Syracuse, expulsion of, by their serfs, ii. 67.
Lands, public, of Rome, management of, a most important grievance of the plebeians, ii. 291, &c.
T. Larcius, first Roman dictator, ii. 25.
Larentalia, i. 385.
Latins, war of Tullus Hostilius against them, i. 460; they assist the Tarquinian cause, ii. 23; are defeated by the Romans at the lake Regillus, ii. 29, 30; the Romans renew a former treaty with them, ii. 32; a Latin revolt, ii. 363; they abandon their alliance with Rome, and war ensues, ii. 422, 423; they are defeated in the battle of Veseris, ii. 425; final reduction of Latium by the Romans, ii. 426; examination of accounts of it, ii. 427—432.
Latinus, king of the Aborigines, i. 298; his parentage, i. 300; his war with the Rutuli, i. 334; a founder of Rome, i. 396.
Latinus Silvius, king of Alba, i. 362.
Launa, daughter of Anius, i. 309, 335.

Laurentum, origin of the name, i. 331.
Lausus, son of Numitor, i. 366.
Lavici conquered, and its territory divided among Roman settlers, ii. 292.
Lavinia, daughter of Latinus, i. 335; she is married to Æneas, i. 337; her son by Æneas, i. 352.
Lavinium, founded by Æneas, i. 335.
Laws engraved on brass, i. 138; laws attributed to the kings, i. 139; their destruction by fire, i. 150; the Romans had no written laws in early times, i. 171.
Laws, *written*, possession of, and decisions according to, considered by the Greeks as democratic, ii. 219.
Leclerc, on the Pontifical annals, i. 169, *n.* 124.
Lectisternium, i. 163; when first resorted to, ii. 357.
Legends, of early Roman history, their different sorts, i. 432.
Legendary style, the characteristics of, ii. 360.
Leges regiæ, i. 139, 140, 433, 526.
Leonidas, king of Sparta, his death at Thermopylæ, ii. 518.
Leucas, visited by Æneas, i. 312.
Leucosia, island of, visited by Æneas, i. 324.
Levesque, his views on the early Roman history, i. 10, *n.* 25.
Libri lintei, i. 172; ii. 258, 276, 279.
C. Licinius Stolo, leader of the plebeian party in a great constitutional struggle, ii. 373.—See following art.
Licinian rogations, proposed, and after much difficulty, carried, ii. 374—376; rogation 1, concerning debts, ii. 374, 382, 383, 397, 398; rogation 2, agrarian, (i. 113,) ii. 374, 383—392; Licinius fined for a breach of it, (i. 113,) ii. 387; rogation 3, abolishing consular tribunes, and requiring at least one of the consuls to be a plebeian, ii. 374, 392—397; examination of account of this political struggle, ii. 380—382. (An additional proposition by Licinius for the increase of the curators of sacred things, some of them to be plebeians, ii. 374, 375.)
Lictors, derived from the kings, i. 103.
Lights on the Roman spears, in 503 B.C., i. 165.
Ligyes, their migration to Sicily, i. 275.
Liparæ, islands, piracy carried on by the inhabitants of, ii. 305, 306.
Literature, lateness of its cultivation at Rome, i. 155, 237; ii. 552.
Livius Andronicus, his life and poetry, i. 231.
Livy, on a reading in Epit. 53, i. 34; his principal object was to write contemporary history, i. 44; analysis of the contents of his history, i. 45; his mention of prodigies, i. 51; his account of the knowledge of the Romans respecting Alexander the Great, i. 61; contents of his first eleven books, i. 71; his statement respecting the destruction of records before the burning of Rome, i. 152, ii. 240; he rarely mentions prodigies in the first decad, i. 161; his account of prodigies in the Second Punic War, i. 162; on the mendacity of funeral panegyrics and ancestorial inscriptions, i. 188, 189, ii. 445; is supposed by Niebuhr to cite a fragment of a poem on the trial of Horatius, i. 224; the main object of his history, i. 247; his narrative of the early Roman history derived from the preceding historians, i. 248; his views on historical evidence, i. 249; his preface, i. 249, *n.* 13; he rationalizes marvellous incidents, i. 250; his later books, i. 252, *n.* 21,

writers whom he chiefly followed, i. 255; his treatment of prodigies, i. 255; his speeches, i. 256, 259; on the supposed destruction of his works by Gregory the Great, i. 264, *n.* 47; on the aborigines, i. 280; his account of Troy in Latium, i. 332; on the voyage of Æneas to Latium, i. 344; on the duration of Alba, i. 367; on the classes of Servius Tullius, i. 489; he remarks the fitness of the time at which the change from regal to consular government took place at Rome, ii. 3; comparison of his accounts and those of Dionysius, of the first fourteen years of the Roman commonwealth, ii. 52, 54 [see *Dionysius*]; his narrative of the period containing the institution of tribunes of the people, compared with that of Dionysius, ii. 62—84 [see *Dionysius*]; chronological discrepancies between him and Dionysius relating to the history of Coriolanus, ii. 116 [see *Dionysius*]; he describes a method by which the consuls often cheated the soldiers of their booty, ii. 141; his statement of the Terentillian rogation, ii. 166; his account of the events of the year 455 B.C., inconsistent with the copious narrative of them by Dionysius, ii. 184, 191 [see *Dionysius*]; his notice of the first sending of an army to Sicily by the Carthaginians, ii. 282; his account of the grounds of the Veientine war, ii. 287; his belief that Alexander the Great, if he had turned his arms against Rome, would have found in her a successful opponent, ii. 362; he notes his wonder on reading the account of the perpetual renewal of the Volscian and Æquian armies in the historians nearer to [not contemporary with] the time, ii. 365; his view of the agrarian law of Licinius, ii. 391.

Lucanians, the Romans first form an alliance with them, ii. 443.

L. Lucceius, his Roman history, i. 27.

Luceres, one of the Roman tribes, i. 412.

Lucretia, wife of L. Tarquinius Collatinus, her rape, i. 516; she kills herself, i. 517, 523.

Lucullus, his Greek history of the Marsic War, i. 27.

Lucumo, an Etruscan grandee, ii. 322.

Ludus Trojæ, i. 323.

Lupa, its ambiguous meaning, i. 250.

Lupercal cave, the, i. 109, 238, 287.

Lupercalia, identified with an Arcadian festival, i. 287.

Lycurgus, the Spartan lawgiver, ii. 542.

Macaulay, Mr., on the poetical character of events in the early Roman history, i. 217; on a passage of Fabius Pictor, i. 238.

Macer, C. Licinius, his Roman history, i. 24; considered the Roman dictatorship to have been imitated from Alba, ii. 26.

Machiavel, his view of the early Roman history, i. 2; did not fully comprehend the true character of the Roman agrarian laws, ii. 137, *n.* 143; his mode of accounting for the establishment of the decemvirate, ii. 233; *n.* 101.

Sp. Mælius, distributes corn among poor plebeians, ii. 270; is accused of aiming at royalty, *ib.*; and killed, *ib.* and 271; our information not such as to enable us to judge of his character, ii. 273, 274.

Mænius, a tribune, proposer of an agrarian law, ii. 295.

Magister populi, used for dictator, i. 170.

Magistrates, lists of, i. 173.

Mallet, on the duration of tradition, i. 98.

Octavius Mamilius, i. 511.
Mandrocles executes a bridge over the Bosporus for Darius, ii. 505.
M. Manlius saves the Capitol, ii. 331; is accused of treasonable designs, ii. 365, 366; condemned and executed, ii. 366, 367; a different version by Zonaras of his treason, ii. 367; satisfactory means of judging of his guilt not presented to us by ancient writers, ii. 371, 372.
T. Manlius, exploit by which he obtains the surname of Torquatus, ii. 401; causes his son to be executed for engaging in a combat contrary to orders, ii. 424; hence the expression, *Manliana imperia, ib.*
M. Claudius Marcellus, his funeral oration on his father, i. 179.
Marcius calls the Romans Trojugenæ, i. 342.
Ancus Marcius, fourth king of Rome, his election, i. 465; he institutes the feciales, i. 466; his wars, *ib.*; his public works, i. 467; he establishes Latin settlers at Rome, i. 468; his two sons, i. 471; they murder Tarquinius Priscus, i. 477.
Marquardt, his continuation of the work of Becker on Roman Antiquities, i. 12.
Marriages of the gods, i. 348, *n.* 207.
Marriages, mixed, between the Romans and Latins, ii. 28.
Mars, his intercourse with Rhea Silvia, i. 379.
Massilia, its foundation, i. 480, 481.
Massilian chronicles, their existence supposed by Niebuhr, i. 202.
Master of the horse, appointment of a, by the first dictator, ii. 26.
Matrons, Roman, origin of their privileges, i. 428; and of additional privileges granted to them, ii. 305.
Matronalia, festival of, its origin, i. 428.
Massaliots, treasury of, at Delphi, ii. 306.
Megara, compulsory repayment of interest enacted at, ii. 383.
Melissa, wife of Periander, ii. 536.
Memnon, his account of the message sent by Alexander the Great to the Romans, i. 62.
Merchants, brought news in antiquity, i. 95, *n.* 61.
Messala, his work on the great Roman families, i. 191.
Messenian wars, ii. 539—542.
L. Cæcilius Metellus, his advice to the Romans to abandon Italy after the battle of Cannæ, i. 79, *n.* 18.
Q. Cæcilius Metellus, his funeral oration upon his father, i. 179.
Geminius Metius, a distinguished Tusculan, killed by T. Manlius, son of the consul, M. Manlius Torquatus, in single combat, ii. 424.
Mezentius, king of the Etruscans, i. 353.
Mimnermus, his elegy on the battle of the Smyrnæans against Gyges, ii. 552, 553.
Mines, Veii taken by means of one, ii. 302, 303; notices of some mines in ancient warfare, ii. 310.
L. Minucius appointed prefect of the annona, ii. 269.
Misenum, passed by Æneas, i. 324.
Morges, i. 277.
Morgetes, a tribe in Sicily, i. 277.
Mons Sacer, ii. 66, 214 [see *Secession*].
Monuments, evidence derivable from, ii. 462.

Mucius, his celebrated exploit, ii. 17; he is rewarded with a grant of land, ii. 19.

Müller, K. O., on the migration of the Siceli to Sicily from Italy, i. 274; on the overthrow of the Tarquins, i. 526; on the meaning of the name of the Tarquins, i. 530, 539.

Mure, Colonel, his views on tradition, ii. 493; he speaks of the Dorian revolution as forming a marked line between the mythical and real in the Grecian annals, ii. 547.

Mutiny of a Roman cohort, soon joined in by a large body of other soldiers, ii. 416; amicably quelled, ii. 417; accounts of it, examined, ii. 417—421.

Myron of Priene, his history of the first Messenian War, ii. 540.

Nævius, his date, 56, 232; his poem on the First Punic War, *ib.*; it is referred to by Ennius, i. 207; his poetical character, i. 232; mentions the visit of Æneas to Dido, i. 316.

Næniæ, i. 211.

Nail, fixing a, in a temple, i. 142, 176; it becomes a religious ceremony, i. 177; ii. 409, 460, 485.

Napoleon, his strategetical criticism on Virgil's account of the capture of Troy, ii. 177, *n.* 35, 190.

Spurius Nautius described as a descendant of a companion of Æneas, ii. 68.

Attus Navius, the augur, cuts the whetstone, i. 476.

Neapolis, a treaty between it and Rome, mentioned by Livy as extant, ii. 443.

Nemesis, theory of, repeatedly recognised in the Roman history, ii. 342.

Newton, Sir Isaac, on the duration of tradition, i. 98.

Nexum, account of abolition of law of, bears internal marks of credibility, ii. 479.

Nicostrata, the mother of Evander, i. 284.

Niebuhr, B. G., his remarks on Beaufort, i. 9, *n.* 23; on Hooke, *ib.*; his Roman History, its importance, i. 10; his treatment of the subject, *ib.*; his use of the terms 'annals' and 'annalists,' i. 92—4; his opinion on the propagation of constitutional history by oral tradition examined, i. 114—27; his interpretation of the word 'populus,' i. 123; his view of the period of the kings, i. 125, *n.* 101; his opinion on the accounts of early Italian ethnology, i. 128; his view of the statement of Livy respecting the destruction of records in the Gallic conflagration, i. 153; his interpretation of the eclipse mentioned by Ennius, i. 160; his view of the antiquity of the Roman funeral orations, i. 186; on the histories of the great Roman families, i. 191; on a history of the Fabian family, i. 192; on the existence of contemporary histories during the Samnite wars, i. 195; on the Etruscan writers cited by the emperor Claudius, i. 201; his hypothesis respecting the derivation of Roman history from popular poems, i. 202, 235; on the songs at Roman banquets, i. 205; his account of the supposed poems from which the early Roman history was derived, i. 212; date of the supposed poems, i. 214; their suppression by Ennius, *ib.*; he discovers traces of metre in passages of prose, i. 224, 225; he supposes Piso to have introduced the rationalist interpretation into Roman history, i. 250; he supposes Livy to have treated the early history in an ironical spirit, i. 251; his view of Livy as a painter, i. 252; he considers Livy and Dionysius to have been

ignorant of the constitution of Rome, i. 261; he thinks that the truth can be restored from the expressions which they misunderstood, i. 262; on the investigation of primitive ethnology, i. 268; on the interchange of mythical names, i. 270; on the migration of the Siceli from Italy to Sicily, i. 274; on the forgery of the list of the Alban kings, i. 372; on the division of Rome between the Romans and Sabines, i. 437; on the destruction of Alba, i. 463; on the origin of the Roman plebs, i. 468; on the curiæ, i. 498; on the difference between the reigns of the first two and last five Roman kings, i. 529; on the gradual extinction of the powers of the Roman kings, i. 538; his view of the primitive Roman constitution, i. 542; his inference as to decline of Rome shortly after the expulsion of the Tarquins, from treaty between Rome and Carthage, ii. 3, 4; he thinks that from the first secession a true narrative of events in Roman history may, by conjectural combination, be recovered from the extant accounts, ii. 90; his treatment of the story of Coriolanus, ii. 124—126; his great merits in explaining and illustrating the agrarian system of Rome, ii. 137, *n.* 143; his strange hypothesis with regard to the Fabian occupation of the Cremera, ii. 149; he considers the narrative of the first dictatorship of Cincinnatus improbable, and originating in a poem, ii. 177; he conjectures that the account of the first eight years of the war of Veii is derived from the annals, but of the last two from a poem containing the exploits of Camillus, ii. 320; his view of the supposed victory of Camillus over the Gauls, ii. 349; his view of the character of M. Manlius, ii. 370; he reforms the story of the First Samnite War, according to his own views of internal probability, ii. 414; his indignation at the execution of C. Pontius, ii. 457, *n.* 134.

Nonæ Caprotinæ, the name of a festival, i. 431, ii. 364.

Norba, a Roman colony sent to, ii. 96.

Nostoi, of the heroes, i. 301.

Numa Pompilius, his meetings with Egeria, i. 110; discovery of his sacred books, i. 111, 167; his law respecting *patria potestas*, i. 139; other laws of Numa, i. 140; his regulations on sacred things, i. 141; his birthplace, age, and election, i. 445; his pacific character, i. 446; his religious institutes, i. 447; his colloquies with Egeria, *ib.*; his death, i. 448; character of his reign, *ib.*; he was believed to have been the scholar of Pythagoras, i. 449; he was said to have introduced metallic money at Rome, i. 452; his wife and children, i. 453.

Numitor, king of Alba, i. 366; he is deposed by Amulius, i. 378; he exposes Romulus and Remus, i. 382.

Numitoria, the mother of Virginia, ii. 207.

Numitorius, maternal uncle of Virginia, ii. 208, 212, 215.

Ocresia, the mother of Servius Tullius, i. 482.

Ogulnii, the two, their proposal for rendering plebeians eligible as pontiffs and augurs, ii. 484.

Old men, their memory of public events in antiquity, i. 118.

Olympic victors, register of, ii. 546, 547.

Olympias, the wife of Philip of Macedon, ii. 436.

Onchesmus visited by Æneas, i. 313.

Onomarchus, his confiscation of the treasures of Delphi, ii. 306.

Orations, Roman, from the Punic wars to the end of the Republic, i. 47.

Orbinia, a Vestal virgin, executed for unchastity, ii. 152.

Orestes, his bones transported to Sparta, ii. 513.
'De Origine Gentis Romanæ,' see *Victor*.
Orosius, his Universal History, i. 73.
Orthagoridæ, dynasty of the, at Sicyon, ii. 538.
Ortiagon, his wife, i. 220.
Othryades, a Lacedæmonian champion, ii. 514.
Ovation, the, origin of, ii. 22.
Ovid, his allusions to early Roman history, i. 75; his account of the burning of the temple of Fortune, i. 108; his account of the Rustica Vinalia, i. 353; his account of the Fabian expedition to the Cremera, ii. 144, and *n.* 165.
Oxen, the speaking of, a common Roman prodigy, ii. 162, *n.* 217.

Pacuvius, his poetry, i. 232.
Palæpolis, possession of it gained by the Romans, ii. 443.
Palanto, i. 287.
Palatine hill, various origins of its name, i. 285, 286; the seat of the original foundation of Rome, i. 390, 543.
Palilia, institution of the festival, i. 392.
Palinurus, promontory of, approached by Æneas, i. 323; receives its name from the pilot of Æneas, *ib.*
Pallantia, i. 287.
Pallantium, in Arcadia, the town of Evander, i. 283; near the Tiber, i. 285.
Pallas, the founder of Pallantium, in Arcadia, i. 285; the son of Evander, *ib.*; a son of Hercules and Launa, i. 286.
Palm tree, its growth in Italy, i. 515; the serpent of Æsculapius said to climb up one at Antium, i. 515, *n.* 127; ii. 486.
Papirius, Caius, i. 141.
Papirius, Manius, i. 141.
Papirius, Sextus, i. 141.
L. Papirius Cursor, dictator, his severity toward his master of the horse, ii. 443, 444; his great victories (as master of the horse, or as consul?) over the Samnites, ii. 448; again dictator, conquers the Samnites, and triumphs, ii. 460.
Parentalia, derived from Æneas, i. 340.
Patres conscripti, ii. 9.
Patricians, their origin, i. 413; generally described in early Roman history as the war-party, while the plebeians are described as desirous of peace, ii. 57; Coriolanus, the first patrician condemned by the people; ii. 102; a struggle between the patricians and plebeians as to the choice of consuls, ii. 141; a violent conflict between them caused by the proposals of Volero, ii. 152—154; riotous proceedings of patricians in preventing the people from voting, ii. 186; contests between the patricians and plebeians proceed notwithstanding supposed settlement effected by the decemviral code, ii. 254; great constitutional struggle between the patricians and plebeians, ending in the passing of the Licinian laws, ii. 373, &c.
Patron of Thyrium, i. 313.
Pausanias, narrative of the Messenian wars in his history of Greece, ii. 540.
Peculium of Sp. Cassius, ii. 134.

Pelasgi, their migration from Greece to Italy, i. 273; their dispersion from Italy, i. 281; are said to have founded Rome, i. 395.

Penates, brought by Æneas from Troy to Italy, i. 340.

Pergamum, in Crete, stories of its foundation, i. 310.

Periander, despot of Corinth, ii. 534—537.

Perizonius, on the evidences of early Roman history, i. 5; his conjecture respecting the poetical origin of the early Roman history, i. 202.

Persian customs, &c., interwoven by Xenophon in his Cyropædia, ii. 526—529.

Phalaris, bull of, ii. 319.

Phidon, king of Argos, ii. 545.

Philinus, his history of the First Punic War, i. 38, 39, 198; his account of the early treaties between Rome and Carthage, i. 144.

Philip of Macedon, ii. 436.

Phrynichus, his two historical dramas, ii. 503.

Pictor, Q. Fabius, his Roman history, i. 37; his age, *ib.*; his family and life, i. 78; he wrote in Greek, i. 79; object of his history, *ib.*; his share in public affairs, i. 81; his reasons for writing in Greek, i. 82; his treatment of the early period of Rome, i. 83; he is the earliest Roman historian, i. 89; his knowledge of the ancient constitution, i. 122; on the legend of Romulus and Remus, i. 238; on Tarpeia, i. 423; may have been induced by hereditary feelings to collect all extant [not, however, to be accounted authentic] accounts of the Fabian expedition to the Cremera, ii. 148.

Picus, a king of the Aborigines, i. 298.

Pila Horatia, i. 457.

Pilgrim fathers, in New England, instance of a colony *ex secessione*, ii. 65.

Pilitus, L. Otacilius, his memoirs of Pompeius, i. 24.

Pinarii, i. 289, 293.

Pinarius, i. 395.

Pipe-players, the, migration of, ii. 485.

Pisistratic period at Athens, ii. 508—513.

Piso, L. Calpurnius, his early Roman history, i. 30; his knowledge of the early period, i. 88; he is considered by Niebuhr as the author of the rationalist system of interpretation in Roman history, i. 250; on Tarpeia, i. 423; his version of the story of Sp. Mælius, his authority for it not to be now discovered, ii. 271.

Plague, or pestilence, the, several occurrences of, at Rome, ii. 151, 161, 296, 357, 369, 399, 486 (those at pp. 161, 296, described as if from contemporary registration).

Platonic Dialogue of Hipparchus (at least a production of the Socratic school), ii. 512.

Plautus, his comedy, i. 232.

Plebeians, their origin, i. 413, 468 [in vol. ii. see many particulars relating to the plebeians under *Agrarian laws, Debt, Licinian rogations, Patricians, Tribunes*, &c.].

Plebiscita, enactment declaring them binding on the whole community (existing accounts of this enactment irreconcilable), ii. 215, 433.

Pliny, on the populi Albenses, i. 375, *n.* 69; he incidentally mentions his having read a treaty granted by Porsena to the Romans, ii. 39; on the scarcity of gold at Rome in early times, ii. 336.

Plutarch, his five lives of early Roman history, i. 74; his allusions to early Roman history, i. 76; on the destruction of ancient records in the Gallic conflagration, i. 152; his account of the contents of Etruscan histories, i. 201; on the interpretation of a passage in his 'Life of Romulus,' i. 240; on the foundation of Rome, i. 377; on the rape of the Sabines, i. 420; his account of the agrarian law of Licinius, ii. 390; he states that some of the ancients had rejected Solon's visit to Crœsus on chronological grounds, ii. 531, *n.* 134.

Poem, a, if contemporary, more trustworthy than a traditional prose narrative, ii. 320.

Poetry, early Roman, copied from Greek models, i. 233.

Poisoning, by Roman matrons, strange account of, ii. 485.

Pollian tribe, memory of a cruel vote of theirs against the Tusculans long preserved, ii. 480.

Polyænus, his military anecdotes on early Roman history, i. 75.

Polybius, his Universal History, i. 32; his views upon the religion of the Romans, i. 51; his allusions to early Roman history, i. 76, 94; his doctrine respecting tradition, i. 98; his statement respecting the Ausones and Opici, i. 130; his account of the treaties between Carthage and Rome, i. 144; his account of the Roman funeral orations, i. 182; his account of Roman ancestorial portraits, i. 183; on the voyage of Æneas, i. 347; he furnishes our most ancient chronological comparison of Roman with Greek history, ii. 55; his account (greatly differing from that of Livy and the other historians) of the Gallic wars of the period following the capture of Rome, ii. 404, &c.

Polycrates, despot of Samos, ii. 518, 519.

Pomœrium of Romulus, i. 109.

Pompilius, see *Numa*.

Pomptine territory, divided by appointment of the senate, ii. 384.

Pons Sublicius, i. 467.

Pontifex Maximus, the, solemnly devotes to voluntary death, ii. 328, 425.

Pontiffs, their records, i. 169; their books perished in the Gallic conflagration, i. 171.

Pontifical annals, i. 158.

C. Pontius, general of the Samnites, defeats the Romans at the Caudine Pass, and causes them to pass under the yoke, ii. 445—447; he is vanquished by Fabius Maximus, and beheaded after being led in triumph, ii. 472.

M. Popilius Lænas fines Licinius for a breach of his own agrarian law, ii. 387.

Populifugia, festival of, its origin, i. 430, ii. 364.

Porsena, his treaty with Rome, i. 146; he assists the Tarquins against Rome, ii. 14, 15; is induced by the exploit of Mucius to treat with the Romans, ii. 17, 18; makes peace with them, and abandons the cause of the Tarquins, ii. 19—21; sale (fictitious) of the goods of Porsena, a singular custom at Rome, ii. 20.

Porta Pandana, i. 425.

Porta Scelerata, ii. 145.

Portraits, ancestorial, of Roman families, i. 183.

Posidonius, his continuation of Polybius, i. 31.

Posidonius, his history of Perseus, i. 36.

Postumia, a Vestal virgin, acquitted of a charge of incontinence, but cautioned, ii. 296.

Postumius, Roman dictator, wounds the dethroned king Tarquin at the battle of Regillus, ii. 29.

A. Postumius Tubertus, dictator, vanquishes the Volscians and Æquians, ii. 282; is said to have put his son to death after the battle, for a breach of discipline, *ib.*

Sp. Postumius, consul, vanquished by C. Pontius at the Caudine Pass, ii. 446; Caudine convention, to which he is a sponsor, his advice, and the consequent proceedings, in respect to that convention, ii. 446—448.

L. Postumius Megellus, twice consul in third Samnite war, is victorious, triumphs in defiance of the senate, ii. 468—470; recovers Cominium from the Samnites, ii. 472.

Potitii, i. 289, 293; ii. 483.

Pouilly, M. de, on the uncertainty of the early Roman history, i. 5.

Prænestc, mythical account of its foundation, i. 198, 363; reduction of it by T. Quinctius Cincinnatus, ii. 372.

Prætexta, its origin, i. 473.

Prætor, creation of the office, ii. 377, 396.

Prata Quinctia, ii. 176.

Precedents, cited by the Romans, i. 83, 117, 125.

Prisci Latini, their towns, i. 362.

Privernates, memorable answer of their envoy to the Roman Senate, ii. 441, 442.

Procas, king of Alba, i. 366.

Prochyta, island of, passed by Æneas, i. 324.

Procopius, his account of the ship of Æneas, i. 322.

Prodigies, their treatment by the Roman historians, i. 51; rarely mentioned in the first decad of Livy, i. 161, 164; were registered in the Annales Maximi, i. 162; prodigies in 464, 436, and 399, B.C., i. 164; in the Second Punic War, i. 165; prodigies expiated by the punishment of a Vestal virgin for unchastity, ii. 141; and again, ii. 152; prodigy before a battle with the Etruscans, ii. 143; prodigies in 464, 461, and 458, B.C., ii. 161, 162; at the siege of Veii, ii. 300; in the period following the Gallic conflagration, ii. 409, 410, in 296, &c., B.C., ii. 486.

Promathion, on the foundation of Rome, i. 401.

Propertius, on the subjects of the Annales of Ennius, i. 54, *n.* 140.

Property-tax, a general, at Rome, ii. 290.

Province of Etruria assigned to Fabius, an exception to the ordinary practice of determining the consuls' provinces by lot, ii. 466.

Proxenus appears to have treated the history of Pyrrhus in his 'Epirotica,' i. 65.

Ptolemy Philadelphus, his embassy to Rome, i. 57.

Publicity of business at Rome, i. 259.

Q. Publilius Philo, his dictatorship, three laws passed in it highly favourable to the plebs, ii. 433.

Pyrrhus, his invasion of Italy, i. 57, ii. 478; his opinion of the Romans, i. 66.

Pythagoras, belief that he was the teacher of Numa, i. 449; his date, i. 451, *n.* 136.

Quadrigarius, Q. Claudius, his history, beginning with the capture of Rome, and probably ending with the death of Sylla, i. 25; his knowledge of the early period, i. 88.

Quæstors, two, first appointed, ii. 13; two more added, to be chosen promiscuously from patricians and plebeians (the latter not having before been eligible), ii. 284, 285.

Quintilian, his comparison of Greek and Roman historians, i. 42; his account of Livy's speeches, i. 256.

Quirinal, one of the seven hills of Rome, i. 428; its addition to the city, i. 544.

Ralegh, Sir Walter, on early Roman history, i. 2.

Ramnenses, one of the Roman tribes, i. 412.

Records, official, were taken away by the magistrates at the expiration of their term of office, i. 137; record of the grant of Roman citizenship to the Campanian knights, i. 146; record of the sponsors at the Caudine surrender, i. 146, ii. 447; records of the census, their destruction by fire, i. 150; record of the pontiffs in the reign of Romulus, i. 166; records of the pontiffs, i. 169.

Regia, i. 111; twice destroyed by fire, i. 151.

Regifugium, the, i. 102, *n.* 9, i. 525.

Regillus, the lake, battle of, ii. 29, 30.

Regina, the wife of the king of the sacrifices, i. 105.

Register of annual Roman magistrates, i. 49.

Regulus, M. Atilius, a consul, engaged in the Third Samnite War, ii. 468, 470.

Relics, their multiplication, i. 239.

Religion of Rome, its moral tendency, i. 416.

Remoria, i. 390.

Remulus, king of Alba, i. 365.

Remus, his augury, i. 390; his death, i. 391.

Republic of Rome, the, commencement of, an era to which the origins of various institutions were assigned, ii. 35.

Returns of the heroes from Troy, i. 301.

Rhea Silvia, i. 378; her pregnancy, i. 379; her twin sons, i. 381.

Rhianus of Crete, his epic poem on the Second Messenian War, ii. 540.

Roma quadrata, i. 111, 392.

Romans, their mission to Epidaurus, i. 64, ii. 486; earliest mention of them in any extant classical work, ii. 487.

Roman history, its periods, i. 266; history of the incorporation of the seven hills in the city, i. 543; most ancient chronological comparison of Roman with Greek history, ii. 55; Roman history is peculiarly characterized by a plain-spoken acknowledgment of reverses in war, and inglorious events, ii. 179; earliest native Roman historians as late as the Second Punic War, ii. 240; views respecting the agency of the gods entertained by writers of the history of the Roman republic, ii. 314, 316; general results of the inquiry into the credibility of the early Roman history (including comparison with the corresponding period of Greek history, ii. 494—553), ii. 488—557.

Roman games, the, celebration of, ii. 103.

Roman civilization, its inferiority to that of Greece, at the period of Decius, shown by his self-immolation, ii. 431.

Roman embassy, a, insulted by the Tarentines, ii. 477.

Romè, gives her name to Rome, i. 396, 397.

Rome, termination of the republican period, i. 19; its capture by the Gauls, i. 59, ii. 326, &c.; sources of its history during the last two centuries of the republic, i. 19—69; the history of the first five centuries, as related by Livy and Dionysius, was believed by the Romans, i. 76; it was derived from the works of earlier historians, i. 77; Rome possessed no ancient historian, i. 88; law against kings, i. 106; Rome, its ancient wall, i. 111; its destruction by fire, i. 151; its original population, i. 267; its foundation legend, i. 376; motives of its foundation, i. 389; its horoscope, i. 393; other foundation legends, i. 395—401; a colony of Alba, i. 405; origin of the name, i. 406; character of its foundation legend, *ib.*; its native origin, i. 409; its rebuilding after the Gallic conflagration, ii. 339, 340; commencement of a second career of Rome from that event, ii. 362.

Romilius, consul, his treacherous attempt to procure the death of Siccius, ii. 187; for which he is fined, ii. 188; declines (according to Dionysius) to receive remission of the fine from Siccius, ii. 195.

Romulus, king of Alba, i. 365.

Romulus and Remus, with the wolf, their statue, i. 108, ii. 486; songs relative to Romulus and Remus, i. 210; their birth, i. 381; their exposure, i. 382; their education, i. 386; their attacks upon Amulius, i. 387; as founders of Rome, i. 396—401.

Romulus, his hut, i. 109; his pomœrium, *ib.*; his augural crook, *ib.*; his augury of the vultures, i. 390; he marks out the town of Rome, i. 392; he is elected king of Rome, i. 411; his division of the Roman people into tribes and curiæ, i. 412; and into patricians and plebeians, i. 413; he establishes the military and colonial systems of Rome, i. 415; its religious institutes, i. 416; and its system of private law, i. 417; discourages trade and encourages agriculture, i. 418; he attacks Cænina and other towns, i. 421; he institutes the triumph, i. 422; his other wars, i. 429; his death, *ib.*; his age, i. 431; character of the history of his reign, *ib.*

Rostra, origin of the name, ii. 432; probably historical, ii. 433.

Rouillé, see *Catrou.*

Rubino, his opinion on the propagation of constitutional history by oral tradition, i. 113, 116, 263.

Rufus, P. Rutilius, his memoirs of his own life, i. 24.

Ruminal fig-tree, i. 109.

Rustica Vinalia, i. 353.

Sabines their native histories, i. 198; their supposed derivation from the Lacedæmonians, i. 435; hostilities between them and the Romans, ii. 21, 60, 157, 203.

Sabine women, rape of, i. 420; they interpose between the Romans and Sabines, i. 426.

Sacra via, origin of its name, i. 109, 427.

Sacred books, i. 172.

Salius gave his name to the Salian dance, i. 311, 313, *n.* 65.

Sallier, Abbé, on the certainty of the early Roman history, i. 6.

Sallust, his historical works, i. 22; his character of the preceding Roman historians, i. 41; he selected obsolete words from Cato, i. 87, *n.*; his alleged knowledge of the ancient constitution, i. 131; on the aborigines of Italy, i. 280; on the foundation of Rome, i. 397; he speaks

of the marvellous growth of Rome on the acquisition of liberty, ii. 3; his account of Catiline as aspiring to royalty, ii. 5.

Samnites, their first war with the Romans, ii. 411—421; they are allied with the Romans against the Latins and Campanians, ii. 423; their second war against the Romans, ii. 442—461; their third war against them, ii. 462—473.

Samos, a portion of its history related in great detail by Herodotus, ii. 518.

Sardinia, a Trojan colony in, i. 327.

Sardis, capture of, by Cyrus, ii. 515.

Saturn, an early king of Italy, i. 298.

Saturnius, the original name of the Capitoline hill, i. 288.

Saturnian metre, i. 207; its laws, i. 241; its irregularity, i. 242.

Scævola, origin of the name, ii. 17.

Scaptius, an old Roman, his testimony concerning a district contended for by Ardea and Aricia, that it belongs to Rome, ii. 267.

Scaurus, M. Æmilius, his autobiography, i. 24.

Schwegler, his Roman History, i. 12; on the reign of Romulus, i. 437; on the name Tarquin, i. 531.

Scipio, Africanus the First, his letter to Philip, i. 36.

P. Cornelius Scipio Nasica, his memoirs on the war with Perseus, i. 36.

Scipio, P. Cornelius Africanus, his history, i. 36.

L. Cornelius Scipio Barbatus, inscription to his memory, i. 187.

Scribes, or clerks, Roman, i. 134; their respectability, i. 138.

Scuta, substituted by the Romans for *clypei*, ii. 432.

Scythian expedition of Darius, ii. 504—508.

Secession, the first, to the Mons Sacer, and consequent appointment of tribunes of the people, ii. 65—72; review of the narrative, ii. 73—91; secession the second (the army first occupying the Aventine, the plebeians afterwards leaving the Aventine for the Mons Sacer,) resulting in the fall of the decemvirate, ii. 212—216.

Seisachtheia of Solon, the, ii. 58.

Senate, privacy of its sittings, i. 258; use of interpreters in addressing it, i. 259, *n.* 38; its institution by Romulus, i. 413; its increase upon the incorporation of the Sabines, i. 414; its increase by Tarquinius Priscus, i. 475; its increase under the first consuls, ii. 7, 9; beginning of interference of the people with its decrees, ii. 323; law requiring the senate to give a preliminary consent to laws put to the vote in the comitia centuriata, ii. 433.

Senators, the aged, slaughter of, by the Gauls, ii. 328; the story not probable, ii. 343.

Senatus-consulta, preserved in the temple of Ceres, i. 142; and in the Ærarium, *ib.*

Seneca, the rhetorician, on the burning of histories, i. 52.

Sentinum, battle of, ii. 403, 467.

Septem pagi, a district conquered by Romulus, i. 429; it is ceded by the Romans, and restored by Porsena, ii. 18, 21.

Sergia, a patrician matron, guilty of poisoning, ii. 485.

Servilius, consul, promises protection against creditors to his soldiers, defeats the Volscians, ii. 59; and triumphs in spite of the refusal of the senate, ii. 60.

Servius Tullius, see *Tullius, Servius.*

Seven hills of Rome, i. 543.
'Sexagenarios de ponte,' ii. 365.
L. Sextius, a tribune of the people, a strong supporter of Licinius, ii. 374.
Showers, prodigious, ii. 162, *n.* 217, 410, 486.
Sibyls, connexion of Gergithian and Cuman, i. 343; story of the Sibyl and Tarquinius Superbus, i. 514.
Sibylline verses, were composed in Greek, i. 64; their destruction by fire, i. 149; their origin, i. 514.
Sibylline books, the, consulted by command of the senate, ii. 357, 486.
L. Siccius Dentatus, a veteran, complains of unjust treatment, ii. 185; is ordered by Romilius, the consul, on a desperate service, with the intention of procuring his death, ii. 187; is treacherously killed by the procurement of the decemvirate, ii. 206; which is one of the causes assigned for their overthrow, ii. 236; his story considered, ii. 189—193, 236.
Siceli, the earliest inhabitants of Italy, i. 272; are expelled by the Aborigines, i. 273; they migrate to Sicily, *ib.*, 275; they dwelt in Italy in the historical age, i. 277.
Sicelus, king of the Ausonians, i. 274; leader of the Ligyes, i. 275; a fugitive from Rome to Sicily, i. 277.
Sicily, originally called Sicania, i. 273; the succession of its population, i. 275, *n.* 26; an army first sent thither by the Carthaginians, ii. 282.
Sicinius Bellutus, leader of the seceding soldiers in the first secession, ii. 66; one of the first appointed tribunes of the people, ii. 72.
Sicyon, under the Orthagoridæ, ii. 538.
Sidicines, the, obtain the assistance of the Campanians against the Samnites, ii. 411; their offered cession of their country to Rome refused, ii. 421.
Signia, its foundation, i. 515.
Sigovesus, see *Bellovesus*.
Silenus, his history of the wars of Hannibal, i. 39; his treatment of early Roman history, i. 94.
Silva Malitiosa, i. 460.
Silvius, king of Alba, his reign, i. 356; predominance of the name in the line of Alban kings, i. 374.
Simonides, of Ceos, his epigrams, and other poems, ii. 503.
Simylus, on Tarpeia, i. 425.
Sisenna, L. Cornelius, his history from the Marsic war to the war of Sylla and Marius, i. 26.
Snow, extraordinary fall of, at Rome, 400 B.C., ii. 356, 357.
Soldiers, division of booty among the, a popular act, ii. 290.
Soldiers, serving, a decree that they should receive pay, ii. 290.
Solinus, his account of the foundation of Prænestе, i. 198.
Solon, his laws to be transcribed for the purposes of the decemvirate, ii 195; his legislation, date of, ii. 529; he composed many short poems, ii. 530.
Sororium tigillum, i. 457.
Sosibius, the Laconian, his work on Lacedæmonian sacrifices, ii. 515.
Sosilus, his history of the wars of Hannibal, i. 39.
Sow, and thirty pigs, omen of, i. 333; their brazen statues, i. 334; body of the sow preserved in pickle, *ib.*
Speeches, how reported in Rome, i. 179; of Cato, *ib.*

Spolia opima, ii. 276, 277.
Licinius Stolo, see *Licinius*, and *Licinian rogations*.
Strabo, his continuation of the history of Polybius, i. 31; on the existence of truth of Homer, i. 347; his date of the foundation of Rome, i. 367; his character of the works of the early Greek historians, ii. 496.
Suessa Pometia, its capture by Tarquinius Superbus, i. 512; its capture by Servilius, ii. 59.
C. Sulpicius, dictator, dedicates in the Capitol gold taken from the Gauls, ii. 402.
C. Cornelius Sylla, his memoirs, i. 23.

Tabulæ publicæ, or tabularia, i. 137.
Tacitus, on the historians of the republic, i. 52; his incidental account of the history of the quæstorship, ii. 285.
Talassio, cry of, its origin, 421.
Tanaquil, her statue in the temple of Sancus, i. 108; her prediction of Tarquin's greatness, i. 471; she shuts the palace on the death of Tarquinius Priscus, i. 483; her age, i. 484, 505.
Tarentum, in Italy, an ancient Lacedæmonian colony, ii. 434.
Tarentines, the, apply for assistance to Sparta, ii. 434; to Alexander of Epirus, ii. 435; to Sparta, ii. 439; come into collision with the Romans, ii. 475; and call in the aid of Pyrrhus, ii. 478.
Tarpeia gave her name to the Tarpeian rock, i. 109; she betrays Rome to the Sabines, i. 423.
L. Tarquinius Priscus, his son Aruns, date of his death, i. 166; his birth at Tarquinii, i. 470; his migration to Rome, i. 471; his election as king, *ib.*; his wars, *ib.* and 473; his public works, i. 474.
L. Tarquinius Superbus, becomes king of Rome, i. 510; his despotic acts, *ib.*; he founds the Feriæ Latinæ, i. 511; his banishment from Rome, i. 519; attempts to restore him, ii. 6; the Tarquinians and Veientes make an expedition against Rome, ii. 11; Tarquin takes refuge with Porsena, who leads an army against Rome in his behalf, ii. 14; Porsena gives up his cause, and he takes refuge at Tusculum, ii. 21; Tarquin is wounded at the battle of the Lake Regillus, ii. 29; takes refuge at Cumæ, and dies there, ii. 33.
Aruns Tarquinius, i. 524; his death, ii. 11.
Sextus Tarquinius, his rape of Lucretia, i. 516; his death at Gabii, i 519.
Tatius, Titus, king of Cures, i. 423; he becomes joint king with Romulus, i. 427; his death, i. 428.
Taxation at Rome in the beginning of the republic, notices of, ii. 15, and *n.* 53.
Tegeates, the, defeat the Lacedæmonians, ii. 514.
Telegonus, the founder of Tusculum, i. 329, 363.
Temple of Saturn declared the treasury, ii. 13.
Terence, his comedy, i. 232.
C. Terentillus, tribune, his rogation for a code of written laws, ii. 165; (leading eventually to the decemvirate legislation, ii. 218;) a different account of it given by Livy, ii. 166; it is strenuously opposed by the patricians, *ib.*
Teutonic tribes, their history before their invasion of the Roman empire, i. 244.
Thales of Miletus, his advice to the Ionians, ii. 525.

Theogonies of early Greek logographers, ii. 495.
Themis, the mother of Evander, i. 284.
Theophanes of Mytilene, his memoirs of Pompey, i. 21.
Theophrastus, his account of the Romans, i. 62; his mention of a Roman expedition to Corsica, ii. 487.
Theopompus, the historian, mentioned the capture of Rome by the Gauls, i. 60; ii. 351.
Thermopylæ, ii. 518.
Theseus, ii. 513, *n.* 68, 548.
Thirty tyrants, the, at Athens, contrasted with the decemvirs at Rome, ii. 234—236, and *n.* 206, 248.
Thucydides, his account of the tradition of Pisistratus among the Athenians, i. 99; he states that the Siceli migrated from Italy into Sicily, i. 275; his accounts of mythical events, i. 296; the earliest strictly contemporary Greek historian, ii. 499; his proper subject the Peloponnesian war, *ib.*; digression prefixed by him to his history, containing an account of the affairs of Greece between the Persian and Peloponnesian wars, ii. 500.
Thyrea, combat between Lacedæmonian and Argive champions for its territory, 514.
Thyrium, a town of Acarnania, i. 313.
Tiber, river, origin of its name, i. 364.
Timæus, his work on the wars of Pyrrhus, i. 65; his treatment of early Roman history, i. 94; his account of Trojan relics at Lavinium, i. 342; he mentions Servius Tullius, i. 509; he denies the existence of Zaleucus, ii. 582.
Timasitheus, chief magistrate of the islands of Liparæ, ii. 306.
Titienses, one of the Roman tribes, i. 412.
Lars Tolumnius, king of the Veientes, killed in battle by A. Cornelius Cossus, ii. 275.
Torquatus, origin of the name, ii. 401, 407.
Treaty of Servius Tullius with the Latin cities, i. 143; of Tarquinius Superbus with Gabii, *ib.*; treaties between Rome and Carthage, i. 144; of Cassius with Latium, i. 145; of Rome and Ardea, i. 146; of Porsena with Rome, i. 146; Roman treaties preserved in the Capitol, i. 146; treaty between Rome and Carthage in the year of the first consuls, ii. 3; between Rome and the Latins, ii. 85; between Sparta and Argos, ii. 515.
Tribes, three ancient, of Rome, i. 412; of Servius Tullius, i. 487; inferior town voters distributed among all the tribes by Appius Claudius Cæcus, censor, ii. 481; thrown into four tribes, called city tribes, by Q. Fabius, censor (hence surnamed Maximus), ii. 484.
Tribunes, military, substituted for consuls, 444 B.C., ii. 256, &c.; half of whom might be plebeians, ii. 256; first plebeian consular tribune not elected till 400 B.C., ii. 285, 299; the office (substituted interruptedly for that of consuls, and more frequently during its latter period) abrogated by the third Licinian rogation, ii. 392; not heard of after 367 B.C., ii. 396.
Tribunes of the people, appointment of, ii. 72; number of them increased from five to ten, ii. 180; they attempt to obtain the power of convening the senate, as well as the popular assembly, ii. 181; sanctity and perpetual renewal of the tribunes provided for by law, ii. 215.
Sp. Lucretius Tricipitinus, i. 517.

Triumph, Roman, its origin, i. 422; triumph refused to the consuls Valerius and Horatius by the senate, but granted by a vote of the people (first instance?), ii. 254; triumph, very pompous, of Camillus, ii. 304; triumph of Postumius, consul, in defiance of the prohibition of the senate, ii. 469.

Troy, war of, its mythical character, i. 301, ii. 552; relics of, i. 349; inference as to its historical character, from the practice among the Romans of not continuing any siege through the winter, until the year 405 B.C., ii. 298, *n.* 6.

Troy, a place so called near Laurentum, i. 332.

Tuditanus, C. Sempronius, his Roman history, i. 29; his knowledge of the early period, i. 88.

Tullia, the wife of Tarquin, i. 504; she takes part in the murder of her father, i. 506.

Tullianum, i. 110.

Tullius, Servius, sixth Roman king, his statue, i. 107; his laws, i. 140; his portentous generation, i. 164; his census, i. 175; his birth, i. 482; he marries the daughter of Tarquinius Priscus, i. 483; he acquires the regal power by irregular means, i. 483, 485; his popular measures, i. 486; his census, i. 488; his division of classes, i. 489; he makes a league with the Latin classes, i. 502; he founds two temples of Fortune, *ib.*; his victories over the Etruscans, i. 503; his death, i. 506; origin of the name Servius, i. 507; his other name, Mastarna, i. 508; his fortification of Rome, i. 545.

Tullus, Attius, receives Coriolanus, and aids him against Rome, ii. 107, &c.; causes him to be killed by his partisans, ii. 111.

Tusculum, its foundation, i. 363.

Tutula, or Philotis, story of her exploit, ii. 364. See *Nonæ Caprotinæ.*

Twelve Tables, mentioned poetry, i. 235; ten tables of laws originally set forth by the first decemvirs, ii. 198; two new tables added, by the second decemvirs, ii. 202; the twelve tables engraved on brass, *ib.*; the first ten tables equitable and wise, the additional two unjust, according to Cicero, ii. 202, 221, 249; alleged Greek origin of the twelve tables, improbable, ii. 221, 222; story of another form of Greek origin of them, ii. 222; our knowledge of them confined to fragments in quotations, ii. 219; they were not a constitutional code, ii. 220; the twelve tables themselves difficult to be reconciled with the account of their composition and enactment, ii. 249—251.

Tyrtæus, his poems, ii. 541.

Tyrrhenians, i. 282.

Ulysses, his name connected with Italy and Sicily, i. 327, 329.

Unciarium fenus, ii. 397, 398.

'Væ victis!' ii. 333, 356.

Valentia, i. 395.

Valerius Maximus, his anecdotes on early Roman history, i. 75; his account of Roman ancestorial portraits, i. 184; his account of the Roman custom of singing the praises of celebrated men at banquets, i. 203.

P. Valerius Publicola chosen consul, ii. 7; gains the surname Publicola, ii. 12; Valerian laws, *ib.*, and *n.* 41; pronounced the first funeral oration, i. 182; his funeral at the public expense, i. 185, ii. 22.

Manius Valerius, ii. 63, 67, 68, 80.

M. Valerius Corvus, ii. 402, 407, 412, 417.

Varro, his extract from the censorial records, i. 175; on Etruscan histories, i. 200; on the custom of boys singing ancient poems at banquets, i. 204.

Vates, their verses, i. 207, 210.

Veientes, hostilities between them and the Romans, ii. 11, 140, &c.; 275, &c.; 286, &c.

Veii, siege of, ii. 298; its capture, by Camillus, ii. 303; review of the account of the siege, ii. 309—321.

Velitræ, a colony to, decreed by the senate, ii. 96.

Velleius, identifies the agrarian law of Tiberius Gracchus with that of Licinius, ii. 390.

Veneti, the, irruption of into Cisalpine Gaul draws off the Gauls from Rome, according to Polybius, ii. 335.

Verrugo, a Roman garrison in, cut off by the Volscians, ii. 289.

Vertot, his work on the Revolutions of Rome, i. 3.

Veseris, battle of, ii. 424.

Vestal virgins, their origin, i. 417, 447; punishments of Vestal virgins for unchastity, ii. 141, 152, 485; a Vestal accused, but acquitted, and cautioned, ii. 296; care of the sacred things taken by the Vestal virgins at the capture of Rome by the Gauls, ii. 327.

Veturia and Volumnia, their embassy to Coriolanus, ii. 110.

Victor, S. Aurelius, his work, De Origine Gentis Romanæ, i. 73; his work, De Viris Illustribus Urbis Romæ, *ib.*

Vicus Sceleratus, i. 506.

Vicus Tuscus, ii. 21.

Viminal hill, its addition to the city, i. 544.

Vindicius, gives information of a conspiracy for the restoration of the Tarquins, ii. 6; his manumission, ii. 10.

Virgil, his allusions to early Roman history, i. 75; his account of the voyage of Æneas to Italy, i. 307; his account of the course of Æneas from Macedonia to Sicily, i. 309—315; he takes Æneas to Carthage, i. 315; describes him as returning to Sicily, i. 317; his account of the burning of the Trojan ships, i. 321, 322; his account of games and of the Ludus Trojæ, i. 322; on the Alban kings, i. 361; on the duration of the Alban kingdom, i. 367.

Virginia, attempt of Appius Claudius, decemvir, to gain possession of her, ii. 207, 211; she is killed by Virginius her father, ii. 211; the attempt on her, and the murder of Siccius, the immediate causes assigned for the overthrow of the decemvirs, ii. 236.

Virginius, L. (see preceding art.), raises an insurrection against Appius, ii. 212, &c.; examination of the story of Virginia and her father, ii. 237, 244.

Sp. Virginius, ii. 188.

Viridomarus, king of the Gauls, killed by Marcellus, ii. 277.

'De Viris Illustribus Urbis Romæ,' see *Victor.*

Volero Publilius, important political movement originated by, ii. 151—153.

Volscians, hostilities between them and the Romans, ii. 58, 84, 107, &c., 140, 145, 157, 254, 286, 363.

M. Volscius Fictor, his false evidence against Kæso Quinctius, ii. 167.

Vopiscus, his account of a record of the pontiffs in the reign of Romulus, i. 166.
Vultures, augury of, at the foundation of Rome, i. 390, 407; do not occur near Rome, i. 516.

Wise men of Greece, the seven, ii. 553.
Wolf of Romulus, i. 377, 383, 385.
Wolves, ominous appearances of, ii. 163, and *n.* 218.
Writing, use of, at Rome, i. 153.

Xenophon, his Cyropædia, ii. 525—529.

Yoke, or *jugum*, passing under it, ii. 447, *n.* 105.

Zacynthus, visited by Æneas, i. 310.
Zaleucus, a legislator of the Locrians in Italy, ii. 532.
Zeno, his history of the expedition of Pyrrhus to Italy and Sicily, i. 65.
Zonaras, a follower of Dio Cassius and Plutarch, i. 75; his treatment of early Roman history, *ib.*; his version of the treason of M. Manlius, ii. 367.

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